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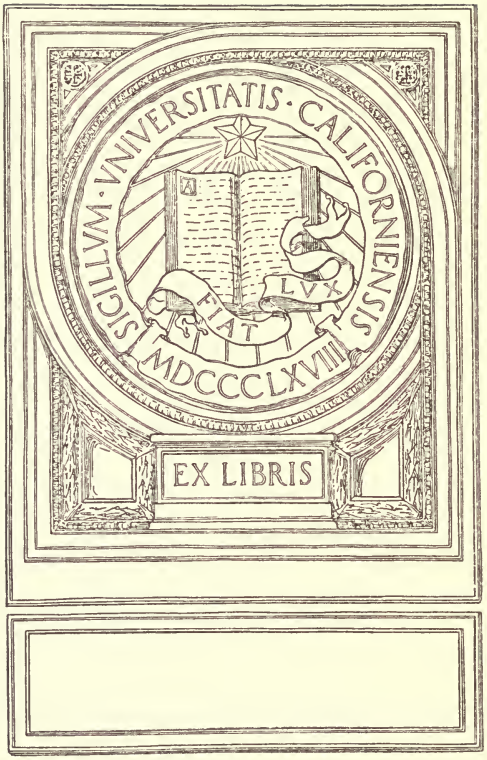
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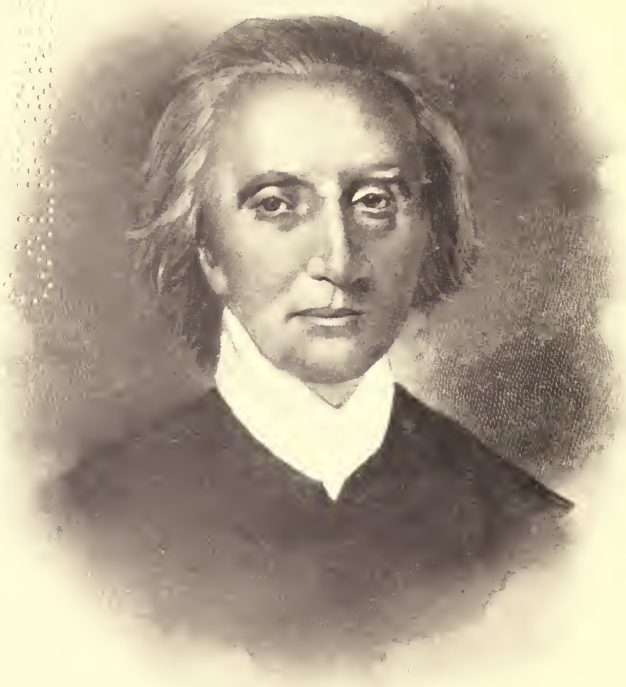

CHARLES CARROLL OF CARROLLTON.

1737–1832

THE LIFE OF

CHARLES CARROLL

OF CARROLLTON

1737–1832

WITH HIS CORRESPONDENCE AND PUBLIC PAPERS

BY

KATE MASON ROWLAND

Author of "The Life of George Mason"

VOLUME II.

"Grateful to Almighty God for the blessing which, through Jesus Christ our Lord, he has conferred upon my beloved country, in her emancipation, and upon myself, in permitting me, under circumstances of mercy, to live to the age of 89 years and to survive the fiftieth year of American Independence, and certifying by my present signature my approbation of the Declaration of Independence adopted by Congress on the fourth day of July, in the year of our Lord, one thousand seven hundred and seventy-six, which I originally subscribed on the second day of August of the same year, and of which I am now the last surviving signer, I do hereby recommend to the present and future generations the principles of that important document as the best earthly inheritance their ancestors could bequeath to them, and pray that the civil and religious liberties they have secured to my country may be perpetuated to the remotest posterity and extended to the whole family of man.

"CHARLES CARROLL, of Carrollton.

"BALTIMORE, August 2, 1826."

Copy of Declaration of Independence, New York City Library.

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From a photograph of his portrait at "Doughoregan Manor."

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LIFE AND CORRESPONDENCE

OF

CHARLES CARROLL OF CARROLLTON.

CHAPTER I.

THE ARTICLES OF CONFEDERATION.

1778–1780.

TAKING up Charles Carroll's record in Congress from the 15th of April, 1778, to its adjournment the latter part of June, he is seen to have been appointed, on the 18th of April, one of a committee of three, to consider a memorial from Joseph Carson, who had furnished a supply of leather breeches for the army. Two days later, a letter with enclosures, received from General Smallwood, was put into the hands of a committee consisting of William Duer, Samuel Chase, and Charles Carroll of Carrollton.

They brought in a report on the 23d, whereupon it was resolved by Congress, " that the Governor and

Council of the State of Maryland be requested immediately to embody three hundred militia of the Eastern Shore, under active, spirited officers, and order them to march with two field pieces, and a proper number of artillerists into Delaware, there to execute such orders as they may receive from a committee of Congress appointed for that purpose." And a copy of Governor Smallwood's letter was to be transmitted to the Governor and Council of Maryland.[1] Charles Carroll's letter to Governor Johnson, of April 21st, is in reference to this matter, an insurrection of Tories on the "neck of land betwixt Delaware and Chesapeake Bay."

It was at this time, April 23d, that the hold Washington had gained upon the affections and confidence of the people was displayed in the strongest manner, by resolutions of Congress renewing the extraordinary powers conferred on him in the fall of 1777. They had expired on the 10th of April, and were now not only renewed, but greatly extended. The Commander-in-chief was to have authority to suspend officers who misbehaved; fill up vacancies under the rank of brigadier; impress all articles and provisions necessary for his command, paying or giving certificates; remove and secure all goods and effects, for the benefit of the owners, which may be serviceable to the enemy, within seventy miles of the headquarters of the American army; order court-martials to try certain offenders, with the punishment of death or any other that seemed meet; to subsist his army from the country

[1] Journal of Congress.

in the vicinity; to order stock to be taken from all persons without distinction; to order the grain to be threshed within a limited time, etc.

The committee to whom these resolutions of Congress were referred consisted of Charles Carroll of Carrollton, William Duer, and John Banister. On May 6th, a letter from the Board of War was read, and referred to a committee of three, consisting of Samuel Huntingdon, Carroll, and Roger Sherman. Two days later, Charles Carroll, was on a committee with Gouverneur Morris and Francis Dana to consider other letters and papers sent to Congress. A letter from General Washington, enclosing one from General Howe, respecting an exchange of prisoners, was referred to a committee of three, William Duer, Richard Henry Lee, and Charles Carroll of Carrollton, on the 13th; and on the same day Carroll and two other gentlemen were named a committee to whom was referred the memorial of Monsieur de la Neuville, inspector of the army under General Gates. M'Kean, Carroll, and James Smith of Pennsylvania, were chosen a committee, on the 14th, to report on a letter from the Board of War, enclosing communications from the Pennsylvania loyalists John Penn and Benjamin Chew. And it seems rather odd to find Charles Carroll of Carrollton one of a committee of three to whom was referred the "Representation of the Bishops and Elders of the United Brethren settled in Pennsylvania."[1] On the 15th, a letter from General Mifflin was read and referred to Gouverneur Morris, Charles Carroll, and Francis Dana;

[1] *Ibid.*

and a letter from the Board of War was referred, three days later, to a committee of three of which Carroll was the chairman.

There were now subordinate Boards of War established at different points, and that of Massachusetts Bay sent a letter to Congress relating to the firm of Gardoqui & Sons, Bilboa, and it was assigned, for consideration to Gouverneur Morris Charles Carroll of Carrollton, and Elbridge Gerry. Samuel Chase had left Congress May 11th, and on the 30th of May, John Henry had leave of absence, Plater and Carroll being the two delegates remaining to represent Maryland. On June 3d, a letter, from Jeremiah Wadsworth, "commissary-general of purchases," enclosing sundry papers, was referred to a committee of which Charles Carroll was chairman. He was also made chairman of a committee appointed the following day, whose duty it was "to examine the journal and extract from thence, in order for publication, all the resolutions relative to the government of the army, the regulations of the quarter-master's, commissary's, and clothier's departments, and to the pay and settlements of the accounts of the army." [1]

The important subject of the Articles of Confederation was brought up in Congress on the 22d of June, and the objections of the States were considered. The Maryland delegates read to Congress the instructions they had lately received from their constituents, and the objections of Maryland to the Articles of Confederation were taken up. Two of them were thought to be of no great import. The third

[1] *Ibid.*

was in the form of an amendment to Article IX., and directed that, after the words "no State shall be deprived of territory for the benefit of the United States," there be inserted the words: "The United States in Congress assembled, shall have power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of such of the confederated States which claim to extend to the river Mississippi or South Sea." This was debated, and the vote taken the following day.

Such a flagrant infraction of State sovereignty was of course negatived by Congress, six States voting solidly against the amendment, while one, New York, was divided. An unfortunate and short-sighted jealousy against the States possessed of unsettled western lands was at the root of this movement, and it is surprising to find Maryland statesmen advocating it. After all the objections of the States were read and considered, New Hampshire, New York, and Virginia expressing themselves as satisfied with the Articles as reported, a form of ratification was prepared, Richard Henry Lee being made chairman of the committee named for this purpose. The "Powers of the States to their delegates to ratify the Articles of Confederation,"[1] were extended upon the journal and Congress adjourned June 27th, to meet again in Philadelphia July 2d. Charles Carroll had then returned to Maryland, and Samuel Chase, George Plater, and James Forbes were the Maryland delegates present.

[1] *Ibid.*

Charles Carroll of Carrollton and George Plater wrote from Congress in June to Governor Johnson and the Maryland Assembly a report of its proceedings.

8th June, 1778, YORK.

SIR:

Your letter of the 2nd instant was put into our hands this morning by Col. Smith, and referred to the Board of War. We sincerely wish the state of our clothing at or near the army may be such as to suffer that Board to give the order in the extent you desire. Col. Smith will receive their answer tomorrow. We hope and have the strongest reason to believe, our army will never again be exposed to the same inconveniences and distress they have hitherto suffered from the want of clothing. We understand 8 or 10,000 suits are in the 50 gun ship lately arrived in Virginia, and still larger supplies have arrived at the eastward.

By all accounts from Camp and Philadelphia the enemy appear to be on the eve of evacuating that city. It is conjectured they will march through the Jersies to South Amboy, where it is said a number of boats are in readiness to carry them over to Staten Island.

War between Prussia and Austria respecting the division of the late Elector of Bavaria's territories, by the latest accounts from Europe, is much to be apprehended, and Mr. Francy informed us that war was certainly declared between Russia and the Porte. The French Court had detained all English vessels in their ports in consequence of a refusal by the Court of London to deliver up an American vessel captured on the coast of France by an English privateer. We enclose you copies of letters from Lord Howe and Sir Henry Clinton's letters to General Washington and to Congress, and our answer.

These may be printed if you think proper, and we beg the favor of you to lay them before the Assembly.

We are with great respect, Your Excellency's

Most obedient humble servants

CH. CARROLL OF CARROLLTON.

GEO. PLATER.[1]

YORK, Monday P.M. 22nd June, 1778.

GENTLEMEN :

The instructions of the House of Delegates of the 18th instant we this morning received in a letter from Mr. Chase, and laid them before Congress ; whereupon at our earnest desire, it was resolved to take into immediate consideration the amendments proposed by our State to the Confederation, although Congress had previously determined to take up the amendments offered by the several States in the order in which the States are ranged in the Confederacy, beginning first with New Hampshire, and so on.

This evening the three amendments offered by Maryland were debated and eleven States out of twelve present, rejected the amendments to the 4th and 8th articles, so that our State only voted for them. The fate of the most important amendment is not yet decided, the question being put off by adjournment till tomorrow morning, when it will probably be rejected by a majority of eight States out of twelve.

A Confederation at this critical juncture appears to Congress of such momentous consequence that I am satisfied a great majority are resolved to reject the amendments from every State, not so much from an opinion that *all* the amendments are improper, as from the conviction

[1] Maryland Historical Society.

that if *any* should be adopted no Confederation will take place, at least for some months, perhaps years ; and in that case, many apprehend none will ever be entered into by all of the present United States. The distractions probable consequent on such an event, and the many dangers and evils, which may arise from partial Confederacies (which you may more easily paint to yourselves than we can express) have determined some States to accept the present Confederation, although founded on principles not altogether consistent, in their opinion, with justice and sound policy. For if any amendments should be adopted, it will then be necessary to send the Confederation back to those States whose Legislatures have empowered their delegates to sign and ratify it in its present form ; for instance to New Hampshire, New York, Virginia, and North Carolina, the delegates of which States are positively instructed to ratify the Confederation as it now stands, and some of them are directed to admit of no alterations, even literary ones, such as would not affect the true spirit and meaning of any Article, but only serve to elucidate that meaning and spirit by removing all ambiguity and doubt.

In debating our second amendment, viz. to the 8th Article, it was admitted on all sides to be the true meaning and intention of that Article, that *all* lands, not only those already granted to, or surveyed for any person, should be subjected to valuation, and considered as a part of the whole wealth of the State in which they lie. It was contended by several members that the meaning of the 8th Article is clearly expressed, but confessed by some to be dark and ambiguous, who nevertheless voted against the amendment, for the reasons we have already assigned. The amendment to the 4th Article was con-

sidered by every State, Maryland excepted, as unimportant, the Article not being liable, in the opinion of any other State to the objection made and consequences apprehended by Maryland.

23rd P. M. Our third amendment has just been rejected by a majority of one State; the division was as follows:

Against Amendment	*For Amendment*
New Hampshire	Rhode Island
Massachusetts	Jersey
Connecticut	Pennsylvania
New York divided	Delaware
North Carolina absent	Maryland
South Carolina	
Georgia	
Virginia	

Inclosed you have a copy of General Washington's letter received this morning.

We are with great respect, Gentlemen, &c.

GEO : PLATER,
CH. CARROLL OF CARROLLTON.[1]

Of Maryland's opposition to the Articles of Confederation, one of her historians writes:

"Virginia still adhered to her claim to the western lands, and had succeeded in securing in the Articles of Confederation, a clause 'that no State should be deprived of her territory for the benefit of the United States,' and Maryland refused to give in her adherence to those articles while that clause existed. The preceding Legislature had solemnly protested against this unjust appropriation of all the public lands won by the blood and

[1] MS: Letter, Dr. Thomas A. Emmet, New York.

treasure of all, and directed their delegates in Congress to lay their protest before that body, and to offer an amendment authorizing Congress to fix the limits of those States claiming to the Mississippi or South Sea."[1]

This one-sided and erroneous statement of Virginia's position is still repeated in substance by Maryland writers, though nothing has been more clearly established than the two points in contention; the validity of Virginia's title to her western territory, through her charters, and the justice of her claim to it as won by *her* "blood and treasure" alone during the Revolution, in the expedition of George Rogers Clark. But if Virginia's territory did not extend to the Mississippi, then the land could not be claimed by any of the colonies. And as has been well said by a modern writer:

"A denial of the western titles on the ground that the western lands belonged to the Crown, tended to subvert the very foundation on which Congress instructed its foreign representatives to stand while contending with England, France and Spain for a westward extension to the Mississippi. Accordingly the Maryland doctrine was a dangerous one; it left no standing ground on which to contend for the western country but that of conquest and occupancy. But Congress wisely kept wide of the Maryland path leading to the Maryland goal, and eventually worked out a solution of the Western question on the principle of compromise and concession."[2]

[1] McSherry's "History of Maryland."

[2] Hinsdale's "Old Northwest," p. 215. See also Henry's "Life of Patrick Henry," vol. ii. p. 75, for a full discussion of the subject.

Charles Carroll, barrister, represented the Carrolls in the Maryland Senate at its spring session, 1778, while Charles Carroll of Carrollton was at Valley Forge. But at the fall session of the Assembly which met on the 29th of October, the latter was in his place promptly, his kinsman, the barrister, not appearing until November 9th., which was the first day that a quorum was present in the Senate. Charles Carroll of Carrollton resigned his seat in Congress at this time, and George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer were elected delegates.[1]

Charles Carroll of Carrollton was placed, as usual, on the most important committees; one of these, appointed on the 21st, was empowered to draw up instructions for the Maryland Congressmen, Carroll's associates being Matthew Tilghman, Charles Carroll, barrister, Thomas Stone, and Thomas Jennings. Two days later he was named one of a committee for drafting bills on the acts of Congress providing for disabled soldiers and seamen, and relative to the Treasury of the United States. The absorbing question of the Articles of Confederation next occupied the Assembly, and on the 30th of November the Senate received the following message on the subject from the House of Delegates:

"*Resolved*, That in the opinion of this House it is fundamently wrong, and contrary to all the principles of equity on which a Confederation ought to be founded,

[1] Journal of the Maryland Senate.

that the State of Maryland or any other State in similar circumstances, should be burthened with very heavy expense for the subduing and guarantying immense tracts of country, when they are to have no share of the monies arising from the sale of lands, or to be otherwise benefitted thereby, and that this State ought to declare, that they mean not on those terms, to incur, nor will be responsible for, any part of such expense.

"*Resolved*, That in the opinion of this House we ought to rely on the wisdom and justice of Congress, to put such construction on the 8th Article of the Confederation, as may be consistent with the general scope and intention thereof ; and that our Delegates in Congress be instructed to move for an additional article assuring every State in the Union, that all lands that have been or shall be conquered or purchased at the common expense, and which were not located, granted, surveyed or settled, at the commencement of the war, or the money arising from the sale thereof, shall be distributed agreeably to the rule laid down in the 8th Article, for adjusting the proportion of public expences ; which being obtained, the State of Maryland will cordially accede to the Articles of Confederation and Perpetual Union. But should so equitable a claim be denied, the duty we owe to ourselves and posterity will not permit us to ratify a scheme, which is fraught with the ruin of us and the States in similar circumstances."[1]

A committee was appointed by the Senate to meet a committee of the House to deliberate on the propositions respecting the Confederation, and Charles Carroll of Carrollton, who was so familiar

[1] *Ibid.*

with the subject as debated in Congress, was one of the four Senators designated. The others were Matthew Tilghman, Robert Goldsborough, and Thomas Jennings. The "Declaration" relative to the Confederation, with the "Instructions" to the Delegates in Congress, and the Treaty of Alliance entered into with France, were read in the Senate on the 15th of December. On this same day, Charles Carroll of Carrollton and Brice Thomas Beale Worthington were appointed conferrees to meet a House committee and prepare an account of the expenditures of all public monies in the State, to be laid before the Assembly.

There was a good deal of friction between the two branches of the Legislature at this time, on several points; notably on the subject of increasing "the diurnal allowance of members of the General Assembly," a measure advocated by the House of Delegates but opposed by the Senate. The old formal terms of respect learned under the monarchical *régime*, were still in use in addressing the Republican Executive and Senate; "Your Excellency" for the Governor, and "May it please your Honors," for the members of the Upper House. The miniature Commons, the House of Delegates, were in turn simply designated "Gentlemen" by the aristocratic Senate.

"If your Honors," say the gentlemen of the Lower House, in response to what they deem sarcastic and unfair treatment by the Senate, "had been equally solicitous with us to preserve the dignity of the two Houses, and to avoid unbecoming

sarcasms and irritating sneers, the session would not have been prolonged beyond that period in which the public business might have been transacted." And they put it to the frugally minded Senators: "Do your Honors think a gentleman can live in the city of Annapolis for less than the proposed sum?" [forty shillings, about $8.00 per day]. The House then tries a little irony on the Senate, in returning a bill which the latter would not pass without an amendment obnoxious to the House:

"If then there are any instances in which the public Treasury will be robbed, either through the ignorance, mistake or design of men, to whom the execution of our laws has been committed, no doubt your Honors' known attachment to the frugality of finance, will suggest the propriety and necessity of receding from your proposed amendment."

To this the Senate reply that it is their wish to avoid altercation at all times, but they see no cause to recede from their amendment, yet if they find on reflection that they are mistaken, "the next session will afford opportunity of applying proper remedy." After naming Charles Carroll of Carrollton and Thomas Jennings as those members of the Senate who were to join a House committee in preparing, during the recess of the Assembly, a bill for amending and declaring the criminal law, the Senate adjourned, and it was ordered that Charles Carroll of Carrollton revise and correct their proceedings.[1]

[1] *Ibid.*

When the Assembly met again on the 9th of March, 1779, Charles Carroll of Carrollton was present in the Senate, Charles Carroll, barrister, taking his seat some days later. At this session Samuel Chase created no small scandal and disturbance, one may imagine, by his accusation of treason against some of the most prominent members of the Maryland Senate. He had made these charges publicly, outside of the Assembly, as it was reported, and was required to give an explanation of his conduct. He now called Samuel Wilson a "traitor," and declared Thomas Jennings a suspicious character, saying that he had been neutral in the present dispute until very lately, and that he had taken the oath of allegiance to two "free and independent States," and he could not be faithful to both of them. Charles Carroll, barrister, and Matthew Tilghman were accused by Chase of having said, while in Congress in December, 1776, that propositions of reconciliation should be made with General Howe.

Asked if he had anything further to declare, this virtuous patriot replied, "It might look like partiality if I passed by the President." Daniel of St. Thomas Jenifer was President of the Senate, and he was then charged by Samuel Chase with having written a certain imprudent letter in 1777, and with saying, in conversation, to Dr. Craik, sometime during the previous spring, that "it was time to bring about a reconciliation." Jenifer denied this, and Mr. Chase and his accusations were relegated, for final investigation, to an early day in the succeeding Assembly. An important message, probably

penned by Charles Carroll of Carrollton, was carried by him from the Senate to the House, March 20th, asking for alterations in the supplement to the Supply Bill for 1779. The matter of the pay of members coming up again, a message from the House was read, March 21st, a resolution "that three pounds current money per day be allowed to each member of the General Assembly during his attendance at this session and three pounds a day for itinerant charges." Charles Carroll of Carrollton then gave notice that he would protest against the resolution, which he did in the following words:

Dissentient. 1st. Because this resolve sets a dangerous precedent for future legislators to vote the people's money into their own pockets; for if the former are at liberty to increase their own wages *ad libitum*, and the desire of gain should overcome the dictates of duty and honesty, the dread, and not the love of the people, would alone deter men of such character from enriching themselves with the spoils of their constituents.

Secondly. Because this resolve plainly discovers a disposition to relieve ourselves from the effects of a depreciated currency, while private creditors, and the public, remain unredressed, and continue to be stripped of their revenues and property by an *ex post facto* tender law, unnecessary and impolitic at its commencement, injurious and oppressive in its continuance, and alike destructive of private and public faith.

Thirdly. Because this resolve appears to be a manifestation of the continuance of that spirit, which there is reason to apprehend, influenced too many to pass the tender law, viz., the preference of private to the public

interest. By that law individuals have acquired property at the public cost, and the public treasury has been deprived of a fund, which at the conclusion of this war, if properly managed, would have enabled the State to discharge all its own incumbrances, and part of its quota of the Continental debt, without imposing such very heavy taxes, as now, by the abolition of that fund, are become absolutely necessary to discharge the debt incurred by the war, and the maintainance of our civil and military establishments.

CHARLES CARROLL OF CARROLLTON.[1]

Work was at this time mapped out for the joint committee of the two Houses, who were to sit during the recess of the Assembly, to examine the accounts of the Auditor-General, Commissary of Stores, and Commissary of the Loan Office, and to inquire into and report upon the expenditure of the public money advanced to certain individuals who were to have furnished cannon, muskets, etc., to the State. This committee was to have power to call on the Council of Safety, and the Governor and Council, for their proceedings, to look into the expenditure of all the public funds, to send for such persons, papers, or records as they deemed necessary, and they were to be allowed a clerk and doorkeeper, while all their expenses were defrayed by the Assembly. The Senate members appointed on this committee were Charles Carroll of Carrollton, Brice Thomas Beale Worthington, and William Hindman. Caustic messages then went back and forth

[1] *Ibid.*

between the two Houses, on the subject of the communication of the Senate relating to the Supply Bill, which the House of Delegates declined to answer, maintaining their right to originate and frame money bills, in which class they considered the Supply Bill to belong. The bill finally passed the Senate, Charles Carroll of Carrollton alone dissenting, and it was carried to the House of Delegates by Charles Carroll, barrister, with the following message:

"GENTLEMEN:

"The declining to answer our messages is a conduct so singular, and so unbecoming a branch of legislature, that we really should have been at a loss to conceive to what motives it might be ascribed, had not your message of this day, accompanied with a resolve in reply to ours, calling for an answer, discovered to us, that a warm and zealous attachment to the rights and privileges of your own House had excited some fears and jealousies of a design in ours to encroach on those rights and privileges; had we been left to guess at your motive we might have ascribed it to a different cause. It is indeed remarkable, that those fears and jealousies should immediately vanish, when two days after we returned you the resolve of your House for increasing our own allowances without limitation of time, with a negative accompanied by a message, proposing an alteration to be inserted in another resolve, to which you most readily agreed. The consistency and propriety of your conduct in these two instances, we shall leave to yourselves to determine; suffer us only to remark as something extraordinary, that your extreme sensibility and watchfulness for your rights

in the first instance was so soon followed by great calmness and ready acquiescence in the second.

"The objection mentioned in our message by Charles Carroll of Carrollton most clearly lying against the original law, and as we then thought against the present bill, which in respect of the assessment of an additional pound rate is consolidated with it, and being in our opinion very material, we were constrained by our love of justice, which in all acts of legislation should at all times be preserved, to point it out to you. We did it without the least intention of infringing the rights of your House, and in a manner we judged most unexceptionable, that you might have an opportunity, if you thought proper, of making the alteration, and although upon reconsideration of the bill, it appears doubtful whether our objection does so clearly apply against that, as against the original, yet we still think it worthy your notice, as all laws ought to be couched in the most clear and unequivocal terms. However, gentlemen, as you have determined, perhaps wisely, to enter into no argument on the occasion, which in truth we had no intention or desire of leading you into, and as we have not in any instance discovered a disposition to make the least attempt, either directly or indirectly, to violate the rights and privileges of your House, we shall at present content ourselves with sending you down the bill with our assent, which it was our intention to have done, had you not agreed with us in sentiment on the proposed objection, and which, indeed is plainly enough implied in the message itself." [1]

The Senate adjourned on the 25th of March. The Assembly was convened again by the Governor's

[1] *Ibid.*

proclamation July 15th, but Charles Carroll of Carrollton was not present. At this session Thomas Jennings resigned his seat, probably out of indignation at the charge made against him by Samuel Chase. The accusation against Samuel Wilson was examined into, and no proof of "toryism" or "treason" could be discovered. Chase filed a statement in the journal relative to Charles Carroll, barrister, Thomas Jennings, and others, and the extra session closed August 15th.

At the regular fall session of the Assembly both of the Charles Carrolls were in their places in the Senate, and Daniel Carroll was given a seat in the new Council. Thomas Sim Lee, of the distinguished Lee family of Virginia and Maryland, was elected Governor. A joint committee of both Houses was deputed to draw up an address of thanks to the retiring Governor, and Matthew Tilghman and Charles Carroll of Carrollton, with William Paca, were the Senators named for this purpose. A committee of both Houses was appointed on the 29th of November to hold a conference on the subject of the proper measures to be used to procure supplies of flour and forage, clothing, blankets, shoes, etc., for the troops of the State, also to consider the recommendation of Congress to the States, as to concerting laws "for establishing and carrying into execution a general limitation of prices." Matthew Tilghman, Charles Carroll of Carrollton, and Brice Thomas Beale Worthington were appointed from the Senate. The report of the conference was made on the 11th of December. They did not think it was expedient at

that time to regulate prices in Maryland, and they suggested a meeting of commissioners from the several States at Philadelphia the first Monday in January, 1780, to consider the subject.[1]

A petition of the Quakers was read about this time, and sent to the House by Charles Carroll of Carrollton. On the 15th of December the Senate voted, Charles Carroll going with the majority, to strike out a clause in the act relating to deceased persons:

"That every inventory and appraisement of estate of deceased person hereafter to be made, shall be in paper currency, at the current prices, at the time of the appraisement, and the warrant to the appraisers and their oath shall be to value the estate accordingly, and the executor or administrator shall be answerable for the amount of such appraisement and accountable thereof to the creditors or legal representatives of his testator or intestate."

A bill to prohibit, for a limited time, the exportation of wheat, flour, rye, etc., with the proviso, "That this did not prohibit any farmer or planter of the State from carrying his grain or other article therein mentioned to his usual market for sale," brought out a tie vote, and the motion was therefore lost. There were eight members of the Senate present, and Charles Carroll of Carrollton was one of the four who voted in the affirmative. Charles Carroll, barrister, had received leave of absence some time previous. At the second reading of the bill for

[1] *Ibid*

more effectually preventing forestalling and engrossing, it was proposed that the fine incurred should be changed to "not exceeding £10,000," instead of simply "£10,000." The motion was negatived, Charles Carroll of Carrollton being one of the three Senators who voted in its favor.[1]

A message from the House expressed dissent in warm terms from the amendment to the bill relating to the estates of deceased persons. "Your last amendment," it said, "is wholly inadmissible, and if the cries of the fatherless and widows cannot prevail on your Honors to recede from that amendment, we have no hopes that anything we can say will have that effect." The vote was taken again in the Senate on this bill, with the same result, and Matthew Tilghman and Charles Carroll of Carrollton were appointed to prepare a message to send to the House, in defence of their course. This message gave as the Senate's motive for not receding from their amendments, that otherwise "a power would be thereby given to the justices of the Orphans Court or to the Chancellor, of altering the last wills of deceased persons in many instances, a power as we conceive, too extensive and dangerous to be lodged in any man or body of men." The message continues :

"We cannot suggest the reasons which occasioned the unanimity of your House in rejecting the amendment in question ; they were no doubt forcible, and therefore we are not a little surprised that they have been withheld from us, for an appeal on this occasion to our under-

[1] *Ibid.*

standings, had been full as proper as to our feelings, not that we are less susceptible to pity and compassion than yourselves, or less desirous of drying up the true source of the tears of the fatherless and widows; the proposed amendments affording equal relief, and doing stricter justice, than the clause as it stood in the bill, evince the truth of these assertions; the reflection, therefore, obliquely cast upon us in your message of yesterday, of being regardless of the cries of widows and orphans, is not only injurious and impolite, but has a tendency to destroy that temper and mutual respect which are so necessary to be preserved by public bodies, for the judicious and dispassionate transaction of the public business." [1]

The bill for the confiscation of British property was the next point at issue between the two Houses. A majority in the Senate, including Charles Carroll of Carrollton, were for referring it to the next session, alleging the severity of the weather, for it was now December, and the "prospect of danger to the Eastern Shore gentlemen of being shut out from their homes during the winter." But the House of Delegates, unmindful of such considerations, insist on passing the bill. Then Matthew Tilghman and Charles Carroll of Carrollton, the Senate's tried and chosen penmen, are deputed to prepare a message for the House, which is carried to them by Carroll. It is of considerable length, and contains this clever, slightly sarcastic paragraph:

"Justice, policy and necessity, you say, influence your conduct. It not infrequently happens that different

[1] *Ibid.*

ideas of justice, policy and necessity, are entertained by different bodies of men. We are not convinced of the justice of the bill, less of its policy, and least of all of its necessity. We have not had sufficient time to make those strict and full researches into the law of nations, which you say you have made."

After stating why they dissent, the message ends: "The reasons we have now given in support of our conduct on this bill, in consequence of the information and reasoning you have offered to induce a reconsideration, will evince the propriety of sending it to you again in the same manner we first returned it." The House send back a reply twice as long as the Senate's rejoinder, in which they say: "The length and multiplicity of matter contained in your message of the 23rd, by Charles Carroll of Carrollton, has required more time to consider it, than if your Honors had confined your observations and reasoning to the true points in controversy." The Senate has the last word in the correspondence, however, in their reply to the House sent the same day, December 30th, the last day of the session:

"To your long message of this day, on the subject of confiscation, sent us at the moment almost when both Houses expected to rise, we presume you do not look for an answer. Decency, however, requires that we acknowledge the receipt, and that it has been read. Circumstances do not allow us to say more than what in justice to ourselves we are constrained to say, that we remark some misrepresentation, and much fallacy of argument. It was our wish at first, and nothing now remains but to refer the subject to the consideration of

another session, not because your reasoning is unanswerable, but because the intention of both Houses to rise this evening, will not admit of such answer as might otherwise well be given." [1]

In a letter to Dr. Franklin written at this time, Charles Carroll of Carrollton speaks of his determination to resist this act for the confiscation of British property. "Because," he says, "I think the measure impolitic, contrary to the present practice of civilized nations, and because it may involve us in difficulties about making peace, and will be productive of a certain loss, but of uncertain profit to this State, for as this business will be managed, it will be made a job of, and an opportunity given to engrossers and speculators to realize their ill-gotten money." Entertaining these views of the impolicy of the Confiscation Bill, Charles Carroll constantly opposed it, both at this and succeeding sessions of the Legislature. A member of the Maryland Senate, writing of the services of Thomas Stone as State Senator in 1777–1782, says:

"There was a severe trial of skill between the Senate and the House of Delegates, on the subject of confiscating British property. The Senate for several sessions unanimously rejected bills passed by the House of Delegates for the purpose; many, very long and tart were the messages from one to the other body on this subject, the whole of which were, on the part of the Senate, the work of Mr. Stone and his close friend and equal in all respects, the venerable Charles Carroll of Carrollton." [2]

[1] *Ibid.*

[2] Scharf's "History of Maryland," vol. ii., p. 236, Note.

It was not until the spring session of 1780, however, that Thomas Stone appears as associated with Charles Carroll in this matter.

To Dr. Franklin, also, Charles Carroll of Carrollton gives his reasons for leaving the Continental Congress. His retirement was regarded as a serious loss to the government, and was deplored by many of his friends. But to a number of Americans, at this time, a seat in the State Assemblies seemed more honorable and useful, than one in the Congress of the United States. Washington had observed this with grief and dismay, in connection with some of the eminent Virginians and others. J. Clement wrote to Richard Henry Lee, October 3d, 1779: "I am sorry to hear that the first great Actors in the great business in hand, have left their seats in Congress. It is a bad sign for the common cause. By a letter from Mr. Carroll, he too, I find, has retired. He has written to me a very sensible letter on the subject of the pamphlet entitled 'The Mode and Terms of an Accommodation, etc.' His ideas in general concur with mine."[1]

The following is the letter to Dr. Franklin, in which Charles Carroll of Carrollton gives an account of the work doing in the Maryland Assembly, with other news of public interest.

ANNAPOLIS, December 5th, 1779.

DEAR SIR:

The bearer, Mr. Thomas Ridout, brother of Mr. John Ridout of this city, with whom I believe you are acquainted, has solicited me to introduce him to you. As

[1] Lee Papers, Harvard College Library.

I know him to be a young gentleman of modesty, worth and good sense, I have taken that liberty. Any civilities it may be in your power to show him, I shall esteem as conferred on myself. He proposes to go to England from France, and talks of returning again to this country on a peace. He is not in the least acquainted with the following contents of this letter.

Your obliging favor of the 2d of last June by the Chevalier de la Luzerne (the only letter of all those which you mention to have written that is come to hand) I received some time last August. I have not yet had the pleasure of seeing the new Minister, having resigned my seat in Congress this twelve month past. The situation of my domestic concerns, and the little use I was of in that Assembly, induced me to leave it altogether. The great deal of important time which was idly wasted in frivolous debates, disgusted me so much that I thought I might spend mine much better than by remaining a silent hearer of such speeches as neither edified, entertained, or instructed me. Whether I shall be so fortunate as to entertain you while reading this letter, I know not; instruct, I am sure, I cannot. However, as the subject on which I am going to write is interesting and important, perhaps the sentiments of an individual who has had some small share in our public councils, may not be altogether unacceptable.

A Minister, I presume, is used to complaints and accusations; but I am not going either to accuse or complain of any person, but to describe things as they are, or at least, as they appear to me. The state of our public credit first claims the attention of all good Americans. The depreciation of our bills of credit is such that they scarcely answer the purposes of money. The Congress has stopped the press; this in my opinion should have

been done much sooner, or not done at the time it was done. They have recommended heavy taxation, and have called on 12 States (Georgia is out of the question) for 15 millions of dollars monthly; our proportion therefore, is 1,580,000. Our Assembly which is now sitting will, I believe assess 9 millions of dollars to be raised in 9 months; the residue is proposed to be raised from the sale of British property, for the confiscation of which a bill will be brought in this session. Whether it will pass or not, I can't say; it shall not with my vote, because I think the measure impolitic, contrary to the present practice of civilized nations, and because it may involve us in difficulties about making peace, and will be productive of a certain loss, but of uncertain profit to this State, for as this business will be managed, it will be made a job of, and an opportunity given to engrossers and speculators to realize their ill-gotten money. The following particulars will give you some idea of the depreciation of our currency. Gold sells, or lately sold in Philadelphia at 40 for one. A gentleman of this place and my acquaintance told me he had refused £5000 for a bill of exchange of £100 sterling at 30 days sight on London, and would not part with his bill for less than £5600. Congress has advised our Assembly that they propose drawing bills of Exchange at six months sight on Messrs. Jay at Madrid, and Laurens, who is going to Holland, to the amount of £200,000 sterling; that is for £100,000 sterling on each of those gentlemen. At what exchange these bills will be disposed of I can't pretend to ascertain; I have heard 25 for one mentioned, but surely a better exchange will be obtained, or else the public will soon be ruined by a few such strokes of finance.

Wheat sells at £20 per bushel and the rise of the mar-

ket; Hyson tea at £100 per pound, Indian corn at £40 per barrel, and Tobacco at £40 odd pounds per Ct.; as to European merchandise, it is impossible to ascertain its value or price; indeed everything is rising, so that wheat sells to-day at £20 for instance, may sell ten days hence for £40. To check this evil, Congress has recommended to the several States a general regulation of prices on all articles, domestic and foreign, save warlike stores and salt. The regulation, according to the recommendation, is to take effect the first of next February, and the standard fixed by Congress is twenty prices on all prices in 1774. If wheat, for instance, in that year sold for 7/6 per bushel, it may be sold on the 1st of next February for £7, 10, 0.

Whether the several Legislatures will adopt this regulation I know not; ours, I believe will, conditionally, that is if other States should. My own opinion is, that it will be extremely difficult to carry such a regulation into practice, and if it should be attempted, I fear, will be productive of more evil than good. Every regulation of price is an acknowledgment that the price allowed is not equal to the value of the commodity on which it is fixed, and consequently destructive of that freedom in dealing which is the life and soul of trade; besides the regulation if adopted as recommended by Congress, will be retrospective, and of course ruinous to a great number of people who have purchased country produce or merchandise at the present prices, either to sell again or for their own consumption. What you have read may properly be called a Chapter of Lamentations; now for a little comfort.

We have a good, though not a numerous army, about 20,000 fine hardy fellows, as tough as the knots of an old seasoned oak, well disciplined, well-armed, and pretty

well clothed, commanded by a man whom they reverence and love. This army is strong enough to repress the enemy's inroads, but not to force them in their stronghold, New York; it might be easily reinforced in the spring, if we had *good money*, but wanting that sinew of war, we may be compared to a vigorous young man, bound hands and feet, struggling in vain to get loose. I flattered myself some months ago that ten or twelve ships of the line from France, with ten thousand land forces, would have joined this fall Count d' Estaing's fleet off New York. Had such an expedition taken place there is the greater reason to believe the enemy's army must have surrendered prisoners of war; such an event must have put an end to it, and have produced peace of which we stand so much in need. If this winter should not bring about that desirable event, cannot such an expedition be taken early next summer? England may be amused, and Ireland threatened with an invasion early in the spring, and under that feint 15 ships of the line with a suitable number of frigates and transports, carrying between ten and twelve thousand Troops may sail the latter end of February or the beginning of March from Brest or Ferol. When these troops in conjunction with ours have reduced the British forces at New York, they may proceed to the West Indies and take the remaining British Islands. No plan of operations promises fairer success; the invasion of England or Ireland would be attended with incomparable greater difficulties and peril. If an impression should be made on either of those Islands the rest of Europe may take the alarm; but I should apprehend the independence of these States cannot give umbrage or offence to any other European Power besides England. If such an expedition as I propose should be thought of seriously, it will

be necessary to despatch a frigate very early in February, or sooner, to notify General Washington thereof in time, that he might be fully prepared to act immediately with the fleet on its arrival before New York; the French and Spanish squadrons in the West Indies should be ordered to meet the fleet from Europe off New York.

I hope, my dear Sir, you will excuse the freedom I have taken in mentioning what, in my opinion, will be the most likely method of bringing this war to a speedy issue; be persuaded peace is of the utmost importance to us.

I am, with the greatest regard and respect, Dear Sir,
Your most obedient, humble servant,
CH. CARROLL OF CARROLLTON.

P. S.—The crops of wheat have been very short, and much of the wheat destroyed by the fly; a good deal has been exported in flour to the French Islands. It would therefore be proper and prudent for the fleet to bring flour enough to feed the land and sea forces till next harvest comes in. A battering train of brass ordnance with all its apparatus, and six thousand stand of small arms to arm our militia will also be necessary; the arms will be returned to the French General when the expedition is over.[1]

From his old friend Edmund Jennings, with whom he still kept up a correspondence, Charles Carroll received an interesting letter in September, 1780, introducing Arthur Lee of Virginia, on the latter's return from Europe:

MY DEAR SIR:

I have received your very kind favor of the 21st September conveyed to me by the care of my friend Mr.

[1] Sparks MSS:, Harvard College Library.

Ridley, but that which you inform me you wrote three weeks before, has not come to hand. I am much obliged to you for the attention you paid to those Books I took the liberty of sending to you; but my dear friend, let me beg you to read them over again, and I trust you will then feel the necessity of banishing as far as possible those banes of public and private virtue Avarice and Ambition. This is the object of all that the Abbé Mably has said. He is too wise a man to think it possible, or even to wish to introduce the particular Institutions of antient States, as applicable or receivable, in the systems of the present world. But although he would not adopt the Latter, he is desirous of introducing the principles of Legislators who succeeded in their plans, as far as the wisdom of men could succeed in their's or at any other time. Tell me not, my dear friend, that if his only object was to show the mischief of Avarice and Ambition, that he has taken up a great deal of time to prove what everybody has been long convinced of. I wish they were so, but I have Books most plausibly written, and general Education I know, serves to recommend the one and justify the other. They teach men, and the instruction has been but too well attended to, to pursue the petty Passions cost what it may to the public happiness, and to heap up riches, the luxurious expenditure of which necessarily corrupts public virtue. If I should trace the present unjust system of Great Britain, I should prove that these vile passions are at the bottom of it, and perhaps should you reflect, and I know you do it with much concern, on the present temper of our Country, you would see the disorders that have arisen, greatly owing to their predominancy.

I could write a volume, and perhaps shall on some future opportunity trouble you at least with a long letter,

to explain fully my ideas on this matter. But I must now pursue what I had in view in addressing myself to you at this time. It was, Sir, to recommend to your particular confidence and friendship, the Honble Arthur Lee Esq., the Gentleman who will present this to you, of whose knowledge of the Affairs and attachment to the interests of our Country, you are well convinced. I know not anyone who can give you better information of the state of Europe at this juncture, and who will do it with more sincerity, for no one can wish, nor has endeavored more to promote the public happiness and liberty. I should have ventured to have entered into the detail myself, if I were not well assured he is able and willing to give you the utmost insight into things on this side the water, for he has had the best opportunities of knowing, and has the best abilities to judge of public transactions. I am convinced you will attend to him for his and for your own sake, and what is more, I will venture to say to you, as I could to him, for the sake of our Country.

I am, dear Sir, most faithfully etc.,

[Edmund Jennings].

September 28th, 1780.[1]

[1] Lee Papers, Harvard College Library.

CHAPTER II.

1780–1783.

IN THE MARYLAND SENATE.

THE second session of the Maryland Assembly for 1779–80, met on the 28th of March, 1780, and Charles Carroll of Carrollton was promptly in his seat. On the 31st the ballot was taken for the vacancies to be filled in the delegation to Congress, and the House and the Senate differed on a question of eligibility. The House maintained that those gentlemen who had been balloted out at the last session of the Assembly, could not be put in nomination again, as had been done by the Senate, and upon apprising the latter body of their vote on the subject, the Upper House responded in curt and dignified language: "Gentlemen, the Resolves or votes of your House cannot be admitted as any rule for the proceeding in this. We are of opinion that the gentlemen proposed by us are eligible to Congress by our Constitution."

A few days later Charles Carroll was placed on a committee, with Thomas Stone and three others, to report on the resolve of Congress recommending to

the several States to revise their laws "making Continental notes a legal tender in discharge of debts and contracts, and to amend the same in such manner as they shall judge most conducive to justice in the present state of paper currency."[1] The bill for recruiting the quota of Maryland's troops in the Continental army was sent to the House of Delegates by Charles Carroll of Carrollton, and was probably drawn up by him. The House returned a conciliatory message to the Senate, April 6th, in respect to their difference of opinion on the subject of the candidates to Congress, and a conference was agreed upon. The Senate conferrees appointed were Charles Carroll of Carrollton, Thomas Stone and Brice Thomas Beale Worthington, and the result of their discussion with the conferrees of the House was a tribute to their powers of persuasion, as the House now adopted the Senate's view.

On the vexed question of the Confiscation Bill, however, there was, as yet, no prospect of agreement. The House of Delegates sent a message to the Senate, April 12th, in regard to the requisitions of Congress, saying they had been considered, and the Delegates had "determined to exert their utmost endeavours to furnish supplies of provisions in kind," and "to adopt and carry into execution as far as possible, the advice and plan of Congress relative to their bills of credit." These two subjects the House considered, involved the greater part of the material business of the session. But, they urged, "our affairs are brought to an alarming crisis," and

[1] Journal of the Maryland Senate.

they insisted that in order to establish funds to afford redemption of the new bills of credit, they must appropriate to the State the property of the Tories: "With the application of British property," the message continues, "we are of opinion, this State can comply, in substance, with the two requisitions of Congress, and without the aid of that property we really fear it will be impracticable, if not impossible. The important and necessary business of the session therefore waits your honours decision on the bill for confiscation."[1]

Charles Carroll carried the reply of the Senate to the House, telling the latter that the thinness of their numbers had induced them to postpone the consideration of the bill, and suggesting that it be made the order of the day for Friday, the 14th. When it was taken up at the date specified, the President of the Senate, Daniel of St. Thomas Jenifer as having held the office of agent to the Proprietary wished to be excused from voting, but his request was denied. So also Robert Goldsborough who owned considerable property in England, asked the same privilege, but it was refused him. The opponents of the bill succeeded in preventing its passage, and it was returned to the House the following day. Robert Goldsborough, Charles Carroll of Carrollton and Thomas Stone were appointed a committee at this time, to prepare a bill entitled "An Act for the security of this State and the subjects thereof, and for other purposes."

A long message was received from the House,

[1] *Ibid.*

May 5th, on the subject of the Confiscation Bill, declaring that its rejection by the Senate involved them in very great difficulties. The bill for bringing into the treasury the sum of twenty million, five hundred and forty thousand dollars, and sinking the same, was sent to the Senate, read by them, and returned to the House, with a message objecting to two clauses, as unconstitutionally connected with the bill. That same day, May 6th, the bill came back to the Senate, with some caustic words from the affronted gentlemen with whom it had originated, to the effect that their "honours" message, in the House's opinion was "irregular." It was "contrary to the practise of either House to return a bill on the first reading," they stated, "and repugnant to the twenty-second Article of our form of government, which declares that the Senate can only give their assent or dissent to money bills." They furthermore considered the two clauses objected to as "pertinent and necessarily connected" with the bill. The following day the bill in dispute was carried again to the House, the Senate declaring that the eleventh article of the Constitution was rendered nugatory if these clauses were attached to it. They say:

"If the bill was nothing more than a money bill, we should be obliged to assent or dissent to the whole by the 22nd Article, and could not propose amendments; but certainly when matters are grafted on such a bill which can stand independent of it, we have a right to desire that such matters may be separated, and that without giving the bill a negative." [1]

[1] *Ibid.*

The House still determined to carry their point, sent back the bill the next morning, and two days later, on the 10th, the Senate "unanimously rejected" it, returning it with a long message setting forth the reasons for their action. A conference was then proposed, the Senate appointing for this purpose Charles Carroll of Carrollton, Matthew Tilghman, Thomas Stone and Brice T. B. Worthington. The joint committee met on the 12th, and conferred on the matters involved, the tender law and the project of making new Continental bills legal tender, reporting the propositions agreed upon. Five pages of the Senate's printed journal is filled up with their message to the House on the Confiscation Bill, the composition, as were all the Senate's messages on this point, of Charles Carroll of Carrollton and Thomas Stone. And a bill from the House for sinking Maryland's quota of the bills of credit emitted by Congress, was unanimously rejected by the Senate, and returned with a long message, probably written by Charles Carroll. The Senate bill, "Act to prevent suits being brought or continued by any person or persons residing in the British dominions," was in its turn rejected by the House. They replied at the same time to the Senate's "long message of the 14th," and expressed themselves "deeply affected" by the Senate's negative to their bill for sinking the quota of the State. "We return with anxiety to our homes," they add. The Senate rejoined with a farewell message, and thus at odds, the two branches of the Assembly adjourned, to meet again early in June.[1]

[1] *Ibid.*

At the extra session in June, resolutions were passed by the Assembly asking of Congress arms for the State, four brass pieces, also a Continental frigate to be stationed where it could protect the trade of Maryland and Virginia through the capes of Chesapeake Bay. An act was passed also, authorizing the commissioners who were to obtain a supply of flour and other provisions for the army, to hire or impress vessels or carriages for these purposes. Letters from the Commander-in-Chief and committee of co-operation were transmitted by the Governor to the Assembly, and a conference took place between the two Houses on the subject of these communications. The conferrees appointed by the Senate were Matthew Tilghman, Charles Carroll of Carrollton, Thomas Stone, Brice T. B. Worthington and William Hemsley.

An act was passed on the 20th, for the speedy enrolment of the militia; and a memorial was read the next day from the merchants of Baltimore, praying that no duties should be laid on articles of trade. On the 26th, the "Act for sinking the quota required by Congress of this State of the bills of credit emitted by Congress," was passed, eight Senators voting in the affirmative and but one in the negative, nine being the whole number present. This single negative vote was given by Charles Carroll of Carrollton, the only Senator who remained firm to the convictions expressed by the majority at the previous session. Charles Carroll of Carrollton brought in, July 1st, an act laying a general embargo, prohibiting for a limited period, the exportation of wheat, flour and other articles.

The House of Delegates at this time sent up a bill for recruiting the State battalions, to which the Senate added a page and more of amendments. And it was proposed in a message from the House that an adjournment should take place the next day, July 3d, as "the approach of harvest" made it necessary they should return to their homes. A compromise was finally reached on the recruiting bill, July 4th. On the following day, Charles Carroll carried a message from the Senate to the House, giving it as their opinion that an address by the Assembly "to our fellow citizens will in the present state of affairs have a good effect." And the bill was passed for raising an additional battalion of regulars. The patriotic address to the inhabitants of Maryland was prepared in the Senate by Charles Carroll and others, and sent to the House by Mr. Worthington. It was resolved that fifty copies be printed for each county and forwarded "to the respective lieutenants," and that it be published for two successive weeks in the Annapolis and Baltimore gazettes.[1] With the proclamation of this manifesto the Assembly adjourned. The "Address to the People of Maryland" closed with these eloquent and stirring words:

"The prize we are contending for is inestimable; the blood of those heroes which has been shed in this just and glorious cause, the inviolable ties of plighted faith, the necessity of conquering, gratitude to our illustrious General, and to the brave men under his command, all conspiring, call aloud for our redoubled efforts . . . .

[1] *Ibid.*

The fall of Charleston, and the distress of our brave friends in that quarter, have infused fresh vigour into the councils of America ; let us, like the Romans of old, draw new resources and an increase of courage even from defeats, and manifest to the world, that we are then most to be dreaded when most depressed." [1]

When the day came for the meeting of the new Assembly, October 17, 1780, the only members of the Senate present were the two friends Charles Carroll of Carrollton and Thomas Stone. By November 2d eight Senators had collected, making a quorum, and the session opened. Since the meeting of the Assembly in June the alliance with France had been consummated, and the Maryland legislators showed their appreciation of the brighter aspect of public affairs, by their resolve that the Governor be asked to appoint a day of thanksgiving and prayer. Thomas Sim Lee was elected Governor of Maryland a second time, and Matthew Tilghman and Charles Carroll of Carrollton were appointed by the Senate a committee to request the attendance of the House to see the Governor qualified. Charles Carroll had leave of absence granted him on the 15th, and he seems to have been away from the Assembly for twelve days, his name first appearing again in the Senate journal, November 27th. In the meantime, on the 17th, the election of members of Congress had taken place and Charles Carroll had been one of the delegates appointed.

A committee was named on the 29th of November, to prepare, in conjunction with a House com-

[1] *Maryland Journal* and *Baltimore Advertiser*, July 11, 1780.

mittee, a draft of instructions to the Maryland delegates in Congress on the subject of Confederation. The three Senators chosen were Matthew Tilghman, Charles Carroll of Carrollton, and Thomas Stone. The Confiscation Act came up again December 5th, but the motion to give the bill a second reading at that time was quickly negatived, only two members voting for it. A petition from the trustees of the poor in Frederick County, on the subject of the prisoners quartered there, was referred to a joint committee of both Houses, the conferrees from the Senate being the same three members named above, with one other in addition. They reported that Frederick Town in Frederick County was the only place in the State where the convention troops could be accommodated, and they proposed that application be made to Virginia to supply fresh provisions for them.

An important joint committee, of which the Senate members were Matthew Tilghman, Charles Carroll of Carrollton, and Thomas Stone, was appointed about this time, to write a letter to the Assemblies of Pennsylvania, Delaware, and Virginia, to secure concerted action on the two subjects of the embargo on provisions and the "calling in the Continental and State emissions."[1] On the 20th of December, the Senate sent to the House a message on the subject of the Confiscation Act, saying that the consideration of it had been interrupted by other important business, and they were now anxious to settle the matter, and therefore proposed a joint con-

[1] Journal of the Maryland Senate.

ference, nominating as the Senate conferrees, Matthew Tilghman, Charles Carroll of Carrollton, Brice T. B. Worthington, and John Henry. Thomas Johnson and Samuel Chase were among the seven conferrees selected by the House of Delegates.

Christmas Day, which fell on Monday in 1780, the Senate met, but nothing was done. Charles Carroll had leave of absence for the week, and most of the members were apparently observing the holidays, for it was not until Saturday, the 30th, that any business was transacted. A letter from Benjamin Franklin had been communicated by the Governor, enclosing the protest on the bills drawn by the State on the Bank of England, with the opinion of counsel on the subject. Maryland had, some years before the Revolution, invested twenty-seven thousand pounds in stock of the Bank of England, and it was the action of the trustees of the bank in uniformly protesting the bills of credit drawn upon it by the Maryland Legislature, for the dividends accruing since the commencement of hostilities, that was one of the reasons urged for the confiscation of British property in Maryland.

No doubt this stand taken by the Bank of England had its effect at this time in weakening Charles Carroll's opposition to the Confiscation Act. He sent in a letter to the Senate on the 3d of January, resigning the seat in Congress to which he had been newly elected. While doubtless appreciating the compliment, Charles Carroll had fully decided not to return to Congress. Acts were passed by the Senate for emitting bills of credit, to raise supplies

for the year, and for the defence of the Bay. The bill prohibiting the export of grain continued the embargo until the following August. The "Act to empower the delegates of Maryland in Congress to subscribe and ratify the Articles of Confederation," was read on the 28th of January and put to the vote, but was defeated. Among those who voted for it were Charles Carroll of Carrollton, John Henry, and Thomas Stone.

On the following day, the Confiscation Act passed to its second reading, and a vote was taken, and decided in the affirmative, on the clause that debts due to Osgood Hanbury and Sylvanus Grove, to the amount of two-thirds of the bank stock belonging to Maryland, be taken and confiscated, and applied to satisfy debts due from them, and debts due from James Russell. The single vote against the measure was that of Col. Richard Barnes of "Tudor Hall," St. Mary's County. A message was received from the House expressing their "earnest desire" that Maryland "should confederate," and objecting that the Senate had given no reasons for declining to pass the act empowering the State to ratify the Articles of Confederation. The Senate reconsidered this bill and passed it on the 30th, and it was carried to the House by Charles Carroll of Carrollton with a message referring to the reasons which had influenced the State in delaying the ratification for so long a period. The motive appears in the following paragraph: "It has been generally supposed, and in our opinion upon good grounds, that the claim of this State [?] to a pro-

portionate part of the western country can be better supported under the present form of union, than that of the Confederation."[1]

In regard to the Confiscation Act, the House and Senate were still not in harmony, and amendments made by the Senate did not receive the entire approval of the House. The Senate stood out for their views, agreeing only to waive the amendment respecting debts due to Messrs. Hanbury and Grove. The House returned the bill to the Senate, hoping that a future session would effect an agreement on the points of difference, and the Senate, adopting some of the clauses proposed by the House, "agree to refer the consideration of indemnification of sufferers to a future session," when they trusted that "the present subjects of dispute may be settled to the general satisfaction." Charles Carroll of Carrollton carried the bill and the accompanying message to the House of Delegates. In case the State should be invaded, as seemed probable, at this time, it was provided that the Governor should appoint a place for the next meeting of the Assembly. The "Instructions" to the Maryland delegates in Congress were sent from the House to the Senate, the 2d of February. They declare the motives inducing Maryland to accede to the Confederation. One of these was "the want of a permanent indissoluble union," yet the one they were now entering was to demonstrate a few years later the fallacy and unreasonableness of such expectations. Maryland here reiterated her "objection" to the "exclus-

[1] *Ibid.*

ive claim of some of the States to the western territory as unjust, and injurious to the general welfare," and she expressed her willingness—a grave mistake—to give up to Spain the "exclusive navigation of the Mississippi." [1]

The second session of the Assembly of 1780–1781 was to have met the 10th of May, but Charles Carroll of Carrollton and three other gentlemen were the only members of the Senate present on that day, and a quorum was not obtained until the 29th. Letters were then read from Lafayette, and from the President of Congress. Lord Cornwallis was in Virginia, and Lafayette was following him up at this time. The Maryland Assembly was busying itself to supply clothes for the Southern army, and the delegates in Congress were instructed to apply for five hundred stand of arms for the Continental troops raised in Maryland.

A conference took place between a committee selected from each House, on the subject of the suspected persons confined in prison since the last meeting of the Assembly, a list of whom had been sent them by the Governor. The Senate conferrees were Charles Carroll, barrister, Charles Carroll of Carrollton, Thomas Stone, and John Henry. Matthew Tilghman was added later. A plan proposed by the House for the "establishment of a new paper currency," the emitting two thousand pounds in bills of credit, etc., in which there was to be a form of subscription and a form of association, as given below, was not altogether approved of by the Senate:

[1] *Ibid.*

"We promise to become subscribers of the sums affixed to our names, on the scheme for an emission etc.," and "we engage on our honor to receive at par, from subscribers or associators, the bills of credit of the new proposed emission, rating silver dollars at seven shillings and sixpence, etc." The Senate dissented to the "Association" proposed, and the House agreed to separate the form of association from that of the subscription.

The bill as amended, "Act for the emission of bills of credit, not exceeding two hundred thousand pounds, on the security of double the value in lands to defray the expenses of the present campaign," was passed June 23d and sent to the House by Charles Carroll of Carrollton. Other bills going into effect at this time were, one for raising two battalions of militia, and one to encourage the destroying of wolves, these beasts of prey still infesting the more unsettled portions of the State. Charles Carroll of Carrollton probably drew up the bills passed June 26th, the day before the Assembly adjourned, for abrogating and abolishing the forty-fifth Article of the Constitution, and abolishing part of the thirty-seventh Article, as he brought them in, and was appointed to carry them to the House of Delegates.[1] The forty-fifth Article provided "that no field officer of the militia shall be eligible as a Senator, Delegate or member of the Council," and the closing paragraph of the thirty-seventh Article contained a similar restriction.

According to his usual punctual habits, Charles

[1] *Ibid.*

Carroll was in his seat in the Senate, Monday, November 5th, 1781, the day appointed for the Assembly to meet. But it was not until the 17th that there were a sufficient number of Senators present to organize for the session. General Washington was expected in Annapolis at this time, and the Assembly wished to present him with a vote of thanks for the recent victory at Yorktown. A joint committee was appointed to prepare the resolutions, and the members selected from the Senate were Matthew Tilghman, Thomas Stone, and Charles Carroll of Carrollton, the trio of this body's best writers. Charles Carroll, barrister, of the Senate, and Gen. John Cadwalader and Col. William Fitzhugh of the House of Delegates, were appointed by the Assembly to present the vote of thanks. And Barrister Carroll brought back to the Senate Washington's address in reply.

Charles Carroll of Carrollton had leave of absence, as the journal records, from Thursday the 13th of December until the following Monday, but he was promptly in his place again on the 17th. Little was done in the Senate, however, from this time until after the Christmas holidays. On the 31st, the "Act to prevent the exportation of bread and flour not merchantable, and for other purposes," was passed, and sent to the House by Charles Carroll of Carrollton, who also carried sundry letters from Robert Morris the superintendent of finance. The supply bill and other acts were signed by the Governor on the 8th of January ; and on the 18th a conference was proposed to settle the question of certain amend-

ments to the bill for appropriating lands for the use of the Maryland officers and soldiers, and for the sale of vacant lands. The Senate conferrees were Thomas Stone, Charles Carroll of Carrollton, and John Smith, and Charles Carroll brought in their report to the Senate the next day.

Thomas Stone, Charles Carroll of Carrollton, and James McHenry were appointed, on the 21st, conferrees to meet a committee of the House, on the subject of the bill for appointing an intendant of the revenue. The act to raise recruits was passed on the 22d of January, and sent to the House of Delegates by Charles Carroll of Carollton, the Assembly adjourning on this day.[1] A motion was made on the second reading of the recruiting bill that the clause applying the property of Lloyd Dulany, in part for that purpose, be struck out, but it was defeated, Charles Carroll of Carrollton voting with the majority. The friends of the old student days, who had drunk together from the silver punch bowl associated with the *Peggy Stewart* in 1774, were now widely asunder, the Dulanys having most of them taken the Tory side during the Revolution.

At the spring session of the Assembly, in 1782, Charles Carroll of Carrollton was present on April 25th, the day appointed, but there was only one other Senator equally punctual. This was Edward Lloyd of "Wye House" in Talbot County. These gentlemen were joined by George Plater of "Sotterly" and Col. Richard Barnes, both of St. Mary's County, on the 1st of May, but it was not until the

[1] Journal of the Maryland Senate.

10th that the Senate was organized. A message was sent to them from the House of Delegates on the 13th, regarding the measures to be adopted to defend such of the inhabitants as were exposed to plunder by the enemy's barges, the negotiations respecting the land office and the sale of vacant lands, with other matters, and a joint conference was proposed to settle these subjects. Five conferrees were appointed by the Senate, Thomas Stone, Robert Goldsborough, Charles Carroll of Carrollton, John Henry, and Richard Barnes.

It was at this time that Sir Guy Carleton was commissioned to endeavor to conclude a peace, or a truce, with the United States, independently of France, but the dignity of the newly erected sovereignties was insulted by the appellation applied to them of "revolted colonies." And they rightly scorned the invitation to desert their French allies. The House of Delegates sent to the Senate the following spirited Resolutions on the subject, which received the ready assent of that body, and went forth to the world as the declaration of the Maryland Assembly.

"*Resolved* unanimously, that it is the opinion of this House that peace with Great Britain and all the world, is an object truly desirable, but that war with all its calamities is to be preferred to national dishonor, and that it is the sentiment of this House, that any negotiation for peace or truce not agreeable to the alliance with France, is inadmissible, that every danger ought to be encountered, every event hazarded, rather than sully our national character, or violate in the least degree our connection

with our great and good ally, and that good faith, gratitude and safety forbid any treaty for peace or truce with Great Britain, but in conjunction with France or with her consent first obtained.

Resolved unanimously, that this House will exert the power of the State to enable Congress to prosecute the war until Great Britain renounce all claim of sovereignty over the United States or any part thereof, and until their Independance be formally or tacitly assured by a treaty with Great Britain, France and the United States which shall terminate the war." [1]

The report of the joint committee appointed May 13th, was made the basis of a bill for the protection of the Bay trade. It was proposed to equip four barges and one galley, and the £2000 needed for this purpose was to be obtained from the sale of confiscated British property. A letter was to be written to the commander of the French marine at Yorktown, asking for a galley, or other vessel, to co-operate with the barges. Concerted action with Virginia was considered highly desirable, and "a gentleman of character and knowledge" was to be sent from the Maryland Assembly to confer with the Assembly and Executive of the Old Dominion. Each of the four barges was to have two pieces of cannon. And in conjunction with Virginia and with the aid of the French, a magazine was to be established at Yorktown and a hospital erected for the sick and wounded. In their letter to the French commander the Assembly say :

[1] *Ibid.*

"The protection and security which this enterprise will give to a very great number of our inhabitants who are kept in perpetual alarms and apprehensions, not only for the safety of their property, but of their persons (being liable to be seized at all hours of the night and carried off into captivity or barbarously murdered) will we are satisfied be a sufficient inducement with you to afford us all the assistance in your power to accomplish the destruction of these free Booters, for they scarcely deserve the dignified appellation of enemy."[1]

Robert Hanson Harrison was appointed the Commissioner to Virginia, with instructions from the Assembly, expressing the earnest desire of Maryland to preserve and improve a strict union between the two governments founded on their "mutual interest and affection." It was to be represented and urged that the public councils of the two States ought to harmonize, "and that a frequent communication of sentiments and reciprocation of good offices would greatly tend to cement the friendship which ought to be inviolably preserved between the two Republics and their citizens." The Commissioner was to request the Legislature of the sister State to direct their laws to be transmitted from time to time to the Maryland Executive, and to inform Virginia that the acts of Maryland would be duly communicated to her.

Charles Carroll of Carrollton's name appears last in the journal of this session on the afternoon of May 22d. The ayes and noes were not taken again

[1] *Ibid.*

until June 3d, so sometime between these two dates he must have left the Assembly, probably on the 30th of May, the day of his father's sudden death, an affliction which was to be followed eleven days later by the loss of his wife.

The first sorrow which was to come to the statesman's home in these years was the death, in August, 1781, of Mrs. Henry Darnall, his wife's mother and his own first cousin. Of this sad event he writes at the time to his friend Gov. Thomas Sim Lee, acknowledging a letter from the latter, and giving some account of Mrs. Darnall's funeral, which took place at "Doughoregan Manor." The granddaughter of Thomas Sim Lee was to marry the grandson of Charles Carroll of Carrollton, and to become the mother of a more recent Maryland Governor, John Lee Carroll.

August 26th, 1781, DOOHERAGEN.

DEAR SIR:

I am extremely obliged to you for your favor of the 24th and its enclosure. I hope the inflamation in your eyes is gone off, and that you enjoy perfect health.

I am really quite out of spirits. We have just performed the last melancholy office to the remains of poor Mrs. Darnall, who died at Rock Creek the 24th, in the morning. Yesterday I went thither to attend the corpse to this place. She was buried in our chapel this morning. The funeral service was performed by the Rev. J. Carroll who came up with me. This melancholy incident has thrown a great damp on all our spirits, but particularly on those of Mrs. Carroll.

We beg to be kindly remembered to you and Mrs. Lee. Believe me to be with great regard and sincerity,

Your most obedient humble servant,

CH. CARROLL OF CARROLLTON.[1]

Mrs. Darnall, his daughter-in-law's mother, is named as a legatee in the will of Charles Carroll, Sr., which was drawn up in 1780, and she is mentioned as his "cousin" and his "wife's niece." We see that she had lived in the Carroll family for many years, covering the period of the elder Mrs. Carroll's illness and death. Charles Carroll writes in his last testament, that Mrs. Rachel Darnall "always behaved very dutifully to my late wife, her aunt, and in her last sickness was very tender of her and tended her with the greatest care and affection, and has by a long residence with me merited my esteem and affection."[2]

In 1780 was born the youngest of the seven children of Charles Carroll of Carrollton and Mary Darnall. This was the little Eliza whose short life closed three years later. The other children were an earlier Elizabeth, born in 1769, who died in infancy; Mary, born in 1770; Louisa Rachel, born in 1772, who died young; Charles, the only son, born in 1775; Ann Brooke, born in 1776, who also died in childhood, and Catherine, who was born in 1778. But while the public life of the patriot and lawmaker is spread before us in the annals of the time, we obtain only occasional glimpses of the

[1] Family papers, Dr. Charles Carroll Lee.

[2] Appendix C.

happy domestic circle which had gathered around him. In June, 1776, we find the Rev. John Carroll writing to his cousin Charles Carroll, Sr., and sending his "love to Polley," Mary Carroll, then six years old, and, with the stateliness of old-fashioned courtesy, tendering his "respectful compliments" to the child's mother and grandmother. So Monsieur Pliarne, Mr. Carroll's amusing French correspondent, in October, 1777, remembers Mrs. Carroll and Mrs. Darnall with "compliments," and writes: "I kiss a thousand times Mollie, Charlie and Nancy."

The death of Mrs. Darnall in 1781, as is seen, was but the beginning of the afflictions that were to visit Charles Carroll in his home life at this period. In less than a year later his father and wife had died, to be buried also under the Manor Chapel, and he was to pass half a century of widowhood before rejoining the young wife who had been taken from him in her gracious prime. Writing to a friend July 9th, 1782, he says: "I have had the misfortune to lose my father and wife within a very little time of each other. My father died the 30th of May, suddenly, and my wife on the 10th ultimo, after a short but very painful illness."[1] Mr. Carroll's death, it seems, was brought about as the result of a fall from the porch of his house in Annapolis, and to the shock and distress of this casualty is attributed the fatal illness of his daughter-in-law. "The death of Mrs. Carroll was very sad," writes the author of the Carroll sketches in *Appleton's Journal:*

[1] Family papers, Rev. Thomas Sim Lee.

"She was devotedly attached to her grandfather [father-in-law]. One day he was standing on the large porch of his house at Annapolis, watching a ship come into the harbor. He stepped back too far, and was picked up dead. Mrs. Carroll, his grandchild [child] by marriage, and his constant companion, never recovered from the shock, nor left the room afterward until death."[1]

The will of Charles Carroll of Annapolis, which was drawn up two years before his death, made his son Charles Carroll of Carrollton his heir, and the "whole and sole executor" of his estate. A moiety of certain of his lands was to go to his nephew and nieces, Charles Carroll of "Carrollsburg," Mrs. Daniel Carroll of Upper Marlboro' (or Rock Creek), and Mrs. Ignatius Digges of "Melwood."[2]

At the opening of the fall session of the Assembly, November 4th, 1782, Charles Carroll of Carrollton with Edward Lloyd, were again the only Senators present. The grief-stricken husband and son was faithful to the call of public duty, and, as usual, setting an example of promptness to his more dilatory compatriots. Not until the 15th of November was there a Senate formed. Both Houses of the Assembly, at this time, concurred in the determination that measures must be taken to enforce a more punctual attendance of their members. William Paca was elected Governor, and a joint committee was appointed to draw up an address of approbation

[1] *Appleton's Journal*, September, 1874.

[2] Appendix C.

and thanks to the retiring Executive, Governor Lee. Matthew Tilghman and Charles Carroll of Carrollton were the Senate members of this committee. On the 3d of December, a resolution of the Senate, "that the Governor and Council be requested to apply to Commodore La Ville Brun for such armed vessels as he may judge proper to cooperate with the barges of this State against those of the enemy now in this Bay," was sent to the House of Delegates by Charles Carroll.

The houses and lots, and the household furniture of Sir Robert Eden were now appropriated to the use of the Republican Executive, until the Assembly should otherwise determine. Charles Carroll of Carrollton and Col. Richard Barnes were ordered by the Senate, at this time, "to inquire into the nature of the contract made by the House of Delegates with Mr. Frederick Green to print the Laws of this State." The bill to regulate the militia was passed, with amendments; but when the bill to settle and pay the Civil List came up for a second reading it was defeated, and a committee was appointed to draft a message to the House giving the Senate's objections to the bill. This committee, consisting of Matthew Tilghman, Charles Carroll of Carrollton, John Henry, and Charles Carroll, barrister, said in this message that as the act might be considered a money bill, the Senate returned it with a negative only, otherwise they might have added amendments. The reasons for their dissent were, first, motives of economy, as they believed the salaries of the Council and others should be lowered, in consideration of

the heavy taxes, which were likely to continue and grow larger; and secondly, because the bill made the judges dependent on the Legislature.

This principle of the independence of the judiciary, they wrote "is essential to the impartial administration of justice," and "cannot be questioned." And the Senate reminded the House that it was a principle "recognized by the Declaration of Rights, which says the salaries of chancellor and judges ought to be secured to them during the continuance of their commissions. Their salaries have been hitherto settled annually," the message continues, "by the Civil List bill, and consequently cannot be said to be secured to them during the continuance of their commissions." And the committee add that the perplexities and confusion of the times have been the excuses for this irregularity, but now that "a regular and effectual administration of justice hath taken place among us, it is become a duty of the General Assembly to establish permanent salaries."[1] A resolution of the House of Delegates, read in the Senate on Christmas Day, that a certain sum of money received by General Smallwood, on account of the recruiting service, be applied to the equipping of the barges, was assented to by the Senate, Charles Carroll of Carrollton, however, giving notice that he would enter his protest against it. And on the second reading of the Supply Bill, both Charles Carroll and James McHenry announced that they would enter a "Dissentient." That of Charles Carroll of Carrollton is as follows:

[1] Journal of the Senate.

Because this bill puts the management and sale of specified articles payable in discharge of a large proportion of the tax, under the direction of the Governor and Council, a board which from its constitution and the variety of business it has to transact, is not so competent as one person to a judicious and economical administration of a complicated revenue.

Because the incompetency of the Governor and Council is not merely presumed but founded on experience since the past mismanagement of the specifics and the waste of them induced the Legislature to commit the charge and sale thereof to the direction of one man, and occasioned the appointment of an Intendant of the Revenue from which the State has already reaped considerable advantages, and from whose continuance in office it would probably derive still greater.

Because it were better to leave the specifics in the hands of the people than to draw them out in payment of unprofitable taxes and store them at places in which to judge from the past, they will be probably left to waste, rot, and be embezzled.

Because, the clause enabling debtors to retain in their hands one sixth of the interest accrueing on monies loaned is retrospective, infringing prior contracts, creditors not having it in their option under the present system of law to call in the principal in order to avoid the deduction of interest.

Because, the principle on which this clause in the bill is presumed to be grounded is too fanciful and ideal, inapplicable to most cases and improperly applied to all. The principle goes upon this supposition, that every debtor has realized the money borrowed out of which one sixth of the interest may be discounted in visible, taxable property, and that the sum payable on his assess-

ment may equal, exceed or be less than one sixth of the interest discounted ; if equal the creditor in fact and not the person assessed pays the tax. To all cases (and a variety of such may exist) in which the sum payable by the debtor on his assessed property is less than one sixth of the interest retained, the principle is totally inapplicable, for in such cases the debtors may retain more by withholding a sixth of the accrued interest than what they pay in their assessments, and then the creditors not only pay the assessment of debtors, but the latter gain from the former the difference between the sums paid and excess. Admitting the monies borrowed bearing interest, to be invested in real, visible and taxable property, and the sum paid by the debtor on the valuation of his property to exceed a sixth of the interest withheld from his creditor, still is the principle improperly applied by the clause dissented to. If properly applied all property must be assessed at its real value, for instance a certain proportion valued at one hundred pounds ought not to be worth in reality more than that sum, for it is evident unless lands and other visible, taxable property are justly valued, the reduction of a sixth of the interest must be unjust, being made from a definite portion of property, viz : one hundred and five pounds, a property not ascertained as most others by the discretionary and fallible judgment of an assessor, and daily decreasing in value whilst that of lands hath risen of late years considerably and by many is supposed still to be rising. Thus in virtue of the clause objected to, a piece of land valued at one hundred pounds but really worth two hundred, will pay only twenty-five shillings, and the owner who may have borrowed one hundred pounds is empowered to deduct twenty shillings from one hundred and five pounds.

Because this clause is a tack to a money bill not imme-

diately relating and necessary for, the imposing, assessing, levying or applying the taxes to be raised for the current expenses of the year, but contains matter totally distinct from the nature and essence of a money bill as defined by the form of government, viz : an impolitic reduction of interest from six to five per cent., which if continued will operate as a discouragement to private and public credit and force the monied men to draw their capitals out of the hands of the citizens of this State to place them in other countries in which they will not be subjected to such reductions.

Because the menacing yet ridiculous and illegal provision in the latter part of the clause will operate only on the timid and ignorant, and is in reality an acknowledgment of its impropriety and discovers the strongest apprehension that what is unjust and indeed absurd will be disregarded by the more informed.

CHARLES CARROLL OF CARROLLTON.[1]

General Rochambeau was in Annapolis early in January, 1783, and the Assembly voted an address of thanks to him, and an entertainment at the public expense, in his honor. The address was to be presented by a joint committee of both Houses, the Senators selected being Charles Carroll of Carrollton, Charles Carroll, barrister, and Edward Lloyd. The Militia Bill afforded a point of dispute between the two Houses at this session, and the Senate would seem to have held the proper view. They wished to exempt from militia duty the Executive and Council, the members of Assembly, and the higher officers of the judiciary, "on the principle that no set of

[1] *Ibid.*

men in the State should be unequally burdened" while the House urged that these persons were "of the first characters and fortunes, and ought to set examples to the people, and show them that no duty, however hard or inconvenient, will be required of them but what all ranks of men are subjected to." When the bill for the defence of the State from the enemy's cruisers was passed with amendments from the Senate, January 9th, Charles Carroll of Carrollton and one other Senator only, voted in the negative. The House returning this bill and refusing to take the amendments into consideration, Charles Carroll of Carrollton and Charles Carroll, barrister, were ordered to prepare a message for the House.

GENTLEMEN,

If you are clearly of opinion that the bill for the defence of the State from the enemy's barges and cruisers is a money bill, we are not less certain that several matters, clauses and things, are annexed to and blended with this bill, not immediately relating to, and necessary for, the imposing, levying or applying the money intended to be raised by it.

The clauses repealing the act imposing certain duties for the purpose of sinking the bills of credit therein mentioned, and establishing a court for the trial of officers, marines and mariners, for breach of any of the articles established for the government of the navy of the United States, and for trying the captains of the barges *Fearnought*, *Terrible* and *Defence*, we conceive do not relate, or are requisite for the imposing, assessing, levying or applying of money.

The first clause ascertaining the naval force to be

equipped, is also, in our opinion, unconstitutionally blended with those parts of the bill which properly make it a money bill. To raise money for the purpose of equipping armed vessels, and to ascertain what their number and force shall be, are things in themselves totally distinct. We might agree that it would be proper to raise a certain sum of money to defend the trade and coasts of our bay, and yet, possibly we might differ about the extensiveness and force of the intended armament. If these distinct matters are cast into separate bills, we may then offer amendments ; for instance, we could amend a bill ascertaining the number and force of the vessels to be equipped, and might, in a message support our amendments with such reasons as might possibly gain your assent ; but if the clause ascertaining the armed force remains connected with a money bill, we are by the Constitution precluded from making amendments, and from freely exercising our judgments as to the quantum of the force proposed to be employed. To exercise our judgments freely and fully upon so material a point, and upon others, we are compelled to have recourse to our privilege and right of insisting on a separation of every clause, matter and thing, not immediately relating and essentially requisite, to a money bill. Believing that you would not designedly violate the Constitution, in making tacks to a money bill, to prevent a full and free discussion of objects so important, and being satisfied that there are several matters in the bill, which by no torture of criticism can be construed into the necessary appendages of a money bill, we presumed you were inclined to waive on this occasion your privilege, and permit us to offer such amendments as we might judge proper, in a public, parliamentary way, a way more consistent with the independence of the Senate and the

spirit of our Constitution than those private negotiations which have sometimes heretofore taken place, and most commonly to very little purpose.

We therefore insist on your separating the clauses we have pointed out from those parts of the bill imposing, assessing, levying and applying the monies to be raised by it, and we therefore have returned you the bill with a negative.'

There was again a difference of opinion as to the *per diem* allowance for members of the Assembly. The House wanted twenty-one shillings, the Senate, more economical, advocated fifteen, and the bill as finally passed gave the members seventeen shillings and five pence a day, a compromise which was opposed in the Senate by Matthew Tilghman, and the two Carrolls. January 12th, a resolution of the House of Delegates directing the Treasurer to receive the bills of credit, called red money, in payment of British property and in discharge of the county assessment, was negatived by an almost unanimous vote, Charles Carroll of Carrollton preparing the Senate's message with which it was returned. This was as follows:

"Gentlemen, we have rejected your Resolve of the 11th instant . . . directing the Treasurer of the Western Shore to receive the bills of credit not exceeding 200,000 pounds, on the security of double the value in lands, to defray the expences of the present campaign, because it is improper to repeal a law by a Resolve, resolves not having the same public notoriety, force and efficacy as

[1] *Ibid.*

laws. We will give our assent to a bill for directing the Treasurer of the Western Shore to receive at par the aforesaid bills of credit, in payment of confiscated British property sold for the redemption thereof, provided that the said bills of credit be also directed by the act to be received at par in payment of county assessments."

The Senate having at length, not to delay the session longer, assented to the bill for the defence of the Bay, though disapproving of some of its clauses, Charles Carroll of Carrollton entered his protest against it as follows:

"DISSENTIENT; *Because* the sum appropriated by the bill to the equipment of the naval force, designed for the protection of the trade, and the inhabitants living near the shores of the Bay, amounts to a much larger proportion of the public revenue than ought to be appropriated to that particular purpose.

"*Because*, the intended armament exceeds our ability, and the sum alloted will not complete and maintain for the time limited, the vessels purposed to be fitted out and their crews, and consequently they will not be able to give that protection and security which a lesser force, more proportioned to our means and better equipped might afford.

"CHARLES CARROLL OF CARROLLTON." [1]

The Civil List Bill did not at all meet with the approval of the Senate, as they thought the salaries of officers should be more moderate. So they declared to the House that they adhered to their views, and only assented to the bill, because the civil offi-

[1] *Ibid.*

cers could not be left unprovided for, and it was important not to prolong the session any further. The bill to raise supplies for the current year was carried to the House by Charles Carroll of Carrollton, on the 15th of January, accompanied by an address to General Greene on his victories, and the Assembly then adjourned.[1]

In the spring of 1783, Annapolis was gayer than usual at this season, for in addition to the races, there was the presence of the Continental Congress in the little town, and the crowd of visitors this assemblage attracted, among whom were many of the French officers. It was the year in which peace was declared, and Annapolis had a part in the general rejoicing at this event. And it was on the Carroll grounds, "Carroll's Green," the festivities took place. "To-morrow," wrote Mrs. Walter Dulany, April 23d, to her son in England, "we celebrate Peace. I hear there is to be a grand dinner on Squire Carroll's Point, a whole ox to be roasted and I can't tell how many sheep and calves besides a world of other things. Liquor in proportion. The whole to conclude with illuminations and squibs." [2]

The spring session of the Assembly was to have met the 21st of April, but the only Senator who made his appearance on that day was Charles Carroll of Carrollton. A Senate was formed early in May, and the Articles of Peace were first taken up

[1] *Ibid.*

[2] "One Hundred Years Ago—The Life and Times of the Rev. Walter Dulany Addison," 1769–1848, p. 67. By Elizabeth Hesselius Murray, Philadelphia, 1895.

for consideration. Then came the adjustment of the affairs of government on the footing of established independence. "After a long and dreadful war," said the Council in a message to the Senate, they must turn their attention to the public creditors, to the demands of the government, the revision of the criminal law, commercial improvements, and the advancement of religion. "The Bill of Rights and Form of Government," they assert, "recognize the principle of public support for the ministers of the gospel and ascertain the mode." The death of Charles Carroll, barrister, took place at this time. This gentleman left no children, and his estate went by will to Nicholas and James Maccubbin, the sons of his only sister, on the condition that they took the surname of Carroll.

Owing to the indisposition of Matthew Tilghman, President of the Senate, no business was done on the 22d of May, and the following day Charles Carroll of Carrollton was elected President in the place of Mr. Tilghman. The Assembly made arrangements for the accommodation of Congress, giving them "the stadt-house and public circle," with the Governor's house for the use of the President, and thirteen dwelling-houses with other buildings "for the residence of the delegates of each of the thirteen Confederated States." An important public paper of Charles Carroll belongs to this session of the Senate, his protest against the bill "concerning the admission and qualification of solicitors and attornies." It is a significant testimony to his fearlessness, liberality, and wise statesmanship on questions

connected with the recent war. A manuscript draft is preserved of this paper, serving to correct errors in the printed copy.

DISSENTIENT, *Because* the clause in the bill empowering the judges of the courts of law and equity to suspend, remove or strike out of the roll of attornies persons already admitted or hereafter to be admitted as attornies, for supposed, not proved, disaffection to the government of this State, is a violation of the public faith, unnecessary and impolitic. This clause violates the public faith, by depriving, for one and the same offence, a few individuals (for few only in reality will be affected by the clause) of those rights and privileges, which they had forfeited for nonconformity to one act, and had purchased and regained under another. A small attention to the act for the better security of government, and the supplementary act for procuring an extra supply of provisions for the Continental army, passed at June session, 1780, will evince this violation of law and justice. By the former act nonjurors are rendered incapable of practising the law ; by the latter, this disability is taken off, upon certain conditions to be performed by them ; on performance, they are placed on the same footing of other subjects, with respect to the practice of the law ; no arbitrary and discretionary power was vested in the judges, before the passage of this bill, to remove or suspend practising attornies, for the vague and indeterminate offence, *disaffection to government.* The only evidence which the law heretofore required of attachment to the Constitution and form of government of this State, was the taking the oath of support and fidelity thereto. Persons, who had refused or neglected to take that oath, on or before a particular day, are left at liberty, by the sup-

plementary act just mentioned, to take the oath at *any time*, and even without taking it, they are restored to all the privileges of citizens, save such as are expressly excepted by that act. To destroy this conclusion, drawn from the above-mentioned laws, it will be incumbent on the patronizers of this bill to show, that the judges have, without it, a discretionary power of removing or suspending practising attornies for disaffection to the government, although they may have taken the oath of support and fidelity to it. If the judges have this pre-existing power, where is the necessity of this clause, and of the amendment made to it by the Senate, pointedly providing, that the taking of the oath, after the preliminaries of peace, shall not be considered by the judges *in itself* as sufficient attachment to the government? The very amendment proves the inference, that the judges had no such power under any former act, and that they were bound to admit the taking the oath of support and fidelity to the State, by the qualifying attorney, as the only proof of his attachment to the government by law required. The few instances which have lately occurred also prove, that the judges of the general court acted under this impression and construction of the laws, by admitting certain nonjurors to qualify as attornies, not conceiving themselves at liberty to exclude them from practising in the courts of justice, on account of reputed disaffection to the government, nor foreseeing that a future act, in derogation of the subsisting law of the land, would direct them not to consider such oath in itself *as sufficient evidence* of attachment to the State. It is presumed, indeed, that had the judges been indued with such foresight, their integrity, and a proper sense of character, would not have suffered them to have trifled with their oaths, to accommodate their conduct to the

resentment of individuals, or the views of particular men, not acting under the obligation of an oath.

The clause in question not only violates the public faith and justice, but is an unnecessary and wanton violation of both ; an examination of the arguments which were urged in support of this particular clause will discover the truth of the position. The danger to the State from permitting a few nonjurors to qualify as attornies, and practise in the courts of law and equity, was much insisted on ; that there are but few, very few, has been already noticed, who will or can be affected by the clause ; and that these few are incapacitated from voting at elections, and holding any office of trust and profit, must be known to all. From whence then is this mighty danger to arise ? In what does its reality consist ? How is it to operate, and on what objects ? These discoveries remain yet to be made. To justify a breach of law and national compact between the State and its subjects, the necessity of that breach must be self-evident, palpable, and felt by all. Will it, can it be pretended, that the remote and ideal dangers apprehended from the admission to, and continuance in, the practise of the law, of the persons alluded to, constitute such a necessity ? The assertion is too absurd to gain belief, even with the most timid, the most inveterate, or the most deluded. If the objectionable clause violates law and justice, and is unnecessary, on what principles can its policy be supported ? Is it good policy to perpetuate parties and odious distinctions in the State ? To extinguish factions, and to allay and heal their animosities, to unite all ranks of citizens in the pursuit of one common good, has been ever inculcated by wise statesmen. On this point can a *real* difference of sentiment subsist ? Can it be denied, that the clause has a tendency to keep alive party distinctions and ani-

mosity? These are the apparent and obvious consequences of the bill; more secret, dark and insiduous, are to be apprehended. A monopoly in the practice of law may be as fatal to the State as any other monopoly. Combinations among monopolisers are frequent, and always pernicious. Admit a combination should be formed between the present practitioners of the law, not to bring suits for the recovery of British debts; would not such a combination terminate in an actual contravention of the Treaty of Peace? Have not such combinations been publicly mentioned? And does not the general scope of the bill give room to suspect, that it is calculated to countenance such unwarrantable practices? From this source may be traced the real, though not the avowed, motive of excluding from the exercise of their profession the nonjuring and resident attornies; hence sprung the departure from the principles of the naturalization act, which requires no previous residence in the State, as a qualification of the persons naturalized, to become attornies or solicitors in the courts of law and equity within this State. Why all this distrust, this dread of and caution against admitting to practice as attornies, such residents as had not taken the oath of support and fidelity before the signing of the Preliminary Articles of the Peace? Why is two years residence now required of foreigners naturalized, who by the act of naturalization, passed in the very heat of war, might have qualified as attornies, immediately on taking the oath prescribed by that act? Is greater danger now to be apprehended from British emissaries, after the acknowledgment of the independence of these States, than before that event? How can so much distrust and jealousy of that power be reconciled with the full security resulting from a glorious peace, and the perfect establishment of independence?

Men who are not blinded by their resentments, or influenced by interest, will readily perceive and attribute those pretended fears to the true cause, a desire of procrastinating, or totally eluding, the payment of British debts. This bill is levelled at British creditors, not at a British interest, or British emissaries, as suggested in the debate upon it.

CHARLES CARROLL OF CARROLLTON,
President of the Senate.[1]

[1] Journal of the Senate ; MS : owned by Hon. John Lee Carroll.

CHAPTER III.

MARYLAND AFTER THE PEACE.

1783–1787.

THE affairs of the Baltimore Iron Works were in no very prosperous condition at the close of the Revolution, and the manager, Clement Brooke, a relative of Charles Carroll of Carrollton, had several measures to propose for their advancement. He wrote from the "Baltimore Furnace," August 7, 1783, to the gentlemen of the Company, suggesting that they should keep a store of bar iron in "Baltimore town," and put a capable person in charge of it, so that sufficient might be sold to support the works and pay the taxes. They wanted also more good hands "to force on the works to the best advantage," and the manager added: "Mr. Carter owes one negro woman, the estate of Mr. Carroll of Duddington three women and five men, the State of Maryland five men and two women." He complained that the negroes supplied were not capable of doing their tasks: "Three negro men sent by Mr. Carter last fall are all unfit hands . . . a lad sent in by Mr. Carroll, barrister, in June, 1782, [is] very unfit

for the business," and so on. Then "a young negro fellow bought for Mr. Carroll of Carrollton put in last March soon made his escape and is not found yet." Charles Carroll of Carrollton in forwarding Clement Brooke's letter to the other gentlemen of the Company proposed a meeting for the 27th of October.

DOEHERAGEN, 11th August, 1783.

GENTLEMEN: The several matters mentioned in the above letter, are of such importance as to claim the immediate and serious attention of the Company. It is my opinion, that some trusty person in Baltimore town ought to be immediately employed by the Company to sell from them, on commission, as much bar iron as will enable the clerks to lay in provisions, pay hirelings, other incidental charges and taxes, and that Mr. Brooke should be authorised (as I do on my behalf hereby authorize him) to employ some such person, and to agree with him about the commission. The loss which the Company sustains by bartering away their bar-iron for provisions and in paying hirelings must be considerable. Hirelings are generally necessitous, and to purchase liquor and clothing sell the iron which they get of the Company to the merchants in town at an under value.

To send to the Works unserviceable negroes, is only increasing expence without the prospect of a benefit, and injuring those who put in good slaves. The cripple, unhealthy, and infirm negroes which have been sent to the Works within these two or three years past, ought to be taken back by the persons who put them in, and good negroes, such as Mr. Brooke describes, sent in their places. If the partners had heretofore put in such there would not now be wanting sixteen hands to carry on the

works. A meeting of the Company appears to me to be absolutely necessary, and therefore I propose one to be held at the Furnace the 27th of next October.

The Works, if carried on with spirit, and managed to the greatest advantage, might certainly be made very profitable; at present they hardly clear themselves. How to improve so improvable an estate, is the object of the proposed meeting. I am, Gentlemen,

Your most humble Servant

CH. CARROLL OF CARROLLTON.[1]

On the 3d of November, 1783, Charles Carroll appeared in his seat in the Senate, with only two other members present. He attended from day to day until the 13th, when there being as yet no quorum, he seems, for some reason, to have left town, and when the Senate was finally organized on the 22d, he was still absent, and Daniel Carroll was elected President in his place. Two days later he had returned, and was immediately put upon a committee to confer with a House committee on an apprehended disturbance in Annapolis. A bill was passed to empower the Governor to call out the militia to suppress insurrections and quiet disturbances. The "Act concerning the stock of the Bank of England" was the next important matter considered. Samuel Chase had been appointed an agent, at the close of the war, to go to England and recover the amount of dividends that had accumulated from the twenty-seven thousand pounds that had been deposited in the Bank of England by Maryland, and to sell the stock. A letter from Mr.

[1] Carter Papers, owned by Chas. P. Keith.

Chase, with other papers on this subject, read in the Senate, November 28th, were carried to the House by Charles Carroll of Carrollton. A bill relating to civil causes depending in the General Court for the Western Shore, was brought in by Charles Carroll, December 1st, and was doubtless drafted by him.

The Chevalier d' Annemours, Consul-General of France in Virginia, Maryland, the Carolinas, and Georgia, was in Annapolis at this session of the Assembly, and a joint committee of both Houses was appointed to confer with him on the business of his office in connection with Maryland. The Senate members of this committee were George Plater and Charles Carroll of Carrollton. The committee's report, brought in ten days later arranged as to the imposition of duties, and proposed that "Chambers of Commerce" be established for the speedy decision of controversies. A joint committee of five from the Senate and seven from the House, who were to take into consideration a letter from the Maryland delegates in Congress, included Charles Carroll of Carrollton. On the 19th of December a joint committee was appointed to provide a house for General Washington, and to prepare an address to him. Charles Carroll was one of the five Senators selected for this committee. The address to General Washington, expressing the Assembly's grateful sense of his "distinguished services" was brought in by John Henry, and he and Charles Carroll were the Senators appointed to join with the delegation from the House who were to present the address.[1]

[1] *Journal of the Maryland Senate.*

In the State House at Annapolis to-day where the historic event of the resignation of Washington took place, the portrait of Charles Carroll of Carrollton looks down from the walls, with those of William Paca and Samuel Chase, and a large canvas hangs between them conveying to later generations the representation of the scene in Congress, as it transpired in this identical spot, at the hour of noon, December 23, 1783.

The bill "laying a duty on British vessels and for other purposes," was committed for amendment to John Henry, Charles Carroll, and John Smith. On the 23d of December, Daniel Carroll, the President of the Senate, was indisposed, and it was necessary to elect someone in his place. Col. Richard Barnes was the Senate's first choice, but on his declining the honor Charles Carroll of Carrollton was elected President for the second time. It seems that the two friends Stone and Carroll were opposed on the subject of the bill for the admission and qualification of solicitors and attorneys. And on the 25th of December, Christmas Day, the Assembly being in session on the holiday, Charles Carroll of Carrollton as President was called on to lay before the Senate a letter enclosing an answer of Thomas Stone to Carroll's "Dissentient" filed at the last session. These were both read, and a motion to refer them to the next session was negatived. A motion was then carried that "no counter protest shall be entered on the records of the Senate."

Resolutions of the House were afterwards read respecting purchasers of confiscated British prop-

erty. These were assented to with the following amendments: "*Provided* that the interest due on the purchase money shall be paid on or before the 1st of March next, *Provided* also, that all persons who were purchasers of any of the property sold as aforesaid, having certificates, shall have the interest due on the said certificates set off against the interest due to the State, to the amount of the interest on such certificates." Of the eight Senators present, seven voted in favor of this last proviso. The one negative vote was cast by the President, Charles Carroll of Carrollton. The House sustained the President of the Senate by assenting to the first amendment, but adding that they could not adopt the second, "with respect to allowing the interest due on certificates to be set off against the interest due to the State." They considered "the injustice in this case to be equal to that which would ensue from a general admission of the payment of all kinds of certificates in discharge of the purchases of British property." The reply of the Senate to this message, which was agreed to by all except Charles Carroll of Carrollton and Edward Lloyd, declared that "the principle of the amendment . . . went to receiving all debts due the State by any of its citizens, in discharge of all debts due by the State to its citizens," and they had not supposed it was the intention of the House "to establish a preference between a soldier's, officer's, or citizen's evidence, or certificate of a debt." [1]

[1] *Ibid.*

The Legislature of Maryland passed an act at this session incorporating Samuel Hughes, William Augustine Washington, Henry Lee, Charles Carroll of Carrollton and others, under the name of "the Proprietors of the Susquehanna Canal," for the purpose of "making the river Susquehanna navigable from the line of this State to tide-water." The Company were to meet, February 3, 1784, at Havre de Grace, to elect officers, and they were to cut a canal at Love Island, continuing the same to tide-water in Susquehanna River.[1]

The Assembly now began to have but one session a year, as there were no extra calls on them from 1783 to 1787, when a second session was required for the business of the Federal Convention. On the 1st of November, 1784, Thomas Stone was the one punctual Senator, when the Assembly met, and until the 4th he was the only one who made his appearance, Charles Carroll of Carrollton joining him on that day. It was not until the 24th, however, that a quorum was formed. Charles Carroll then resigned his office of President of the Senate, and George Plater was elected. The new Governor of Maryland, elected at this time, was William Paca. Charles Willson Peale's portrait of Washington, which had been ordered by the Assembly in 1781, was finished, and hung up in the Senate Chamber in 1784.

An address was to be prepared by a joint committee of both Houses, to be presented to General Lafayette, and John Henry, Charles Carroll of Car-

[1] Laws of Maryland, 1783.

rollton, and Daniel Carroll were the Senators appointed for this purpose, while Charles Carroll was the Senator selected to unite with the delegation from the House who were to present the address. There was a conference of the two Houses to consider the proposed alteration in the 8th Article of the Confederation, making the number of inhabitants, under certain modifications, the measure of the contribution of each State, and Charles Carroll of Carrollton was one of the Senate conferrees.

The scheme for opening and extending the navigation of the Potomac occupied the attention of the Assembly at this session, and members of each House were appointed to confer with commissioners from Virginia, on this subject. The Senators nominated were Thomas Stone, Samuel Hughes, and Charles Carroll. The conference took place at Annapolis, the 22d of December, and Generals Washington and Gates represented Virginia's interests, Washington being chairman of the meeting. Resolutions were adopted, to be submitted to the Legislatures of Virginia and Maryland, which resulted in the act passed some days later, establishing anew the Potomac Company, which had been suffered to languish during the Revolution. General Washington was chosen President of the Potomac Company, and Virginia and Maryland each were to subscribe for fifty shares of its stock. A road was to be built forty miles in length, from the headwaters of the Potomac to those of the Ohio and the two States were to direct a survey of this route.[1]

[1] Pickell's "History of the Potomac Company," pp. 44, 64.

A committee from both Houses was appointed on the 31st of December, to confer on several matters of importance, notably, the most effectual means of carrying into effect the act of Congress imposing the duty of five per cent., and the acts for the appointment of delegates to regulate the trade of the United States, and the proper powers to be vested in them.

The following protest was made by Charles Carroll of Carrollton, January 13th, against the "Act to establish funds to secure the payment of the State debt within six years, and for the punctual payment of the annual interest thereon":

"*Dissentient:* Because the credit of five years allowed to the purchasers of confiscated British property is too long, considering the indulgence which hath been already given, and the facility of paying afforded them by the bill, in permitting all kind of certificates to be received as specie in payment of their purchases.

Because the suffering without good cause so large a part of the principal of the State debt to remain unpaid for five years, is sacrificing unreasonably the interest of the creditors of the State to the convenince and ease of its debtors, and exhibits an awkward and bungling scheme of finance, by protracting unnecessarily the receipt of interest from the debtors, and the payment of interest to its creditors, both which operations might cease two years sooner on the extinguishment of the principal of the debt, or in proportion to that extinguishment.

Because good policy requires, that a State should not defer to a longer period the payment of its debts, when they might without oppression be cancelled in a shorter.

Because no reason has been assigned for allowing five years credit to the purchasers aforesaid, other than the mere will of the House of Delegates, the dictates of which, if unsupported by argument, ought not to induce the Senate, contrary to their judgment, to assent to a bill, partial in its operations and injurious in its consequences, especially as the strongest presumption arises, that when no good reasons are adduced in support of a favorite measure, the promoters of it are actuated by motives improper to be avowed.

CHARLES CARROLL OF CARROLLTON."[1]

Intimately connected with the project of opening and extending the navigation of the Potomac River, were the questions still unadjusted, of the jurisdiction of this river and the Pocomoke, the boundary streams between Maryland and Virginia, and the jurisdiction of Chesapeake Bay, with the regulation of tolls, etc. Four Commissioners were appointed by the Maryland Assembly, at this session, to meet Commisioners from Virginia and draw up regulations for these purposes. The instructions of the Marylanders were to be prepared by a joint committee of both Houses, and the Senators selected to draft them were Charles Carroll of Carrollton, Daniel Carroll and George Gale. The Commissioners named were Thomas Johnson, Thomas Stone, Samuel Chase, and Daniel of St. Thomas Jenifer, and they were to meet such Commissioners as Virginia should appoint, at Alexandria, on the 21st of March next, or at any other time and place more

[1] *Journal of the Maryland Senate.*

convenient to the Virginians. This Commission or Convention met at Alexandria, Virginia, and adjourned to "Mount Vernon"; and there the commercial compact was consummated between Maryland and Virginia, which was the first step in the process that led to the Convention of 1787, with the resulting changes in the character of the union between the Thirteen States effected by the Federal Constitution.

Thomas Stone, not satisfied with the verdict of the preceding session on the rejection of his answer to Charles Carroll's "Dissentient," brought the matter up again at this time. Having explained that he had been called from the Senate at its spring session of 1783, by urgent business, before he could do more than give notice of his intention to protest, and been disabled by sickness from attending the fall session, his plea was allowed, and his "Answer to the Protest of the Hon. Charles Carroll of Carrollton" was entered on the Senate records. It takes up five and a half of the journal's quarto pages. It was then agreed that Charles Carroll should have the privilege of making a reply.

While thus divided in opinion with his former ally, Thomas Stone, Charles Carroll saw himself forced to take up a position of antagonism to another early political friend and colleague, Samuel Chase. This was in connection with the latter's agency in England to adjust the controversy over the bank stock. Letters from Chase were read in the Senate on the 30th of November, and referred to the House, Charles Carroll being appointed to carry

them there. A few days later a resolution came from the House of Delegates testifying their approval of the conduct of the State's agent. But when, on the 14th of September, the Senate voted to concur in this resolution, there were two dissenting voices heard, those of Charles Carroll of Carrollton, and Edward Lloyd. Mr. Chase then appeared in the Senate, and answered questions that were put to him respecting the bank stock. On the 30th of December there was a conference between the two Houses on the act of Assembly concerning the Bank of England, and the most eligible plan for recovering the stock, and Thomas Stone, Charles Carroll of Carrollton, Daniel Carroll and William Hindman were the Senate conferrees. The resolution respecting Samuel Chase was finally made the order of the day for January 14th, but it was then postponed, and a message was sent to the House, Charles Carroll, Daniel Carroll, and Edward Lloyd voting against it. The message said:

"Gentlemen, . . . We will agree to a resolve to advance to Mr. Chase the sum of £500 on account of the bank stock, to be applied to the payment of the agent's commission, if the bank stock or part of it is received; and if no part of the bank stock is received upon which the agent is to draw a commission, then to be accounted for."

The two Carrolls and Edward Lloyd gave notice that they would protest against this message. When the order of the day was resumed, the resolution approving of Samuel Chase's agency was read

a second time and dissented to. The resolution to advance five hundred pounds to Mr. Chase was determined in the negative, by a majority of one, Charles Carroll, of course, opposing it. The protest against the message of the 14th was read in the Senate, January 17th.

Dissentient, Because the message holds up an opinion that the agency of Mr. Chase is still in continuance, and that he is entitled to draw a commission of four per cent. on the bank stock, whenever it shall be received ; an opinion we conceive to be erroneous, as we apprehend the law not to be now in force, under which he was appointed and commissioned, that law being of a temporary nature, and confined to objects not now attainable, without a communication of new and more ample powers.

The only powers given to the late agent, by the act of April session 1783, are reducible to these : A power to call on the former trustees of the bank stock to surrender up to him their trust, and to render an account of the faithful execution thereof, to transfer and assign to the agent, or his assigns, the whole of the bank stock, and to account for and pay unto him any dividends, not invested in stock, and on payment, or receipt, to pay the trustees their commission and give them a discharge or acquittance. These were the principal objects of the law ; the other powers, thereby imparted, viz., to sell the bank stock, to place the money in a banker's hands, and to pay certain bills of exchange, were entirely dependent on the agent's receiving a transfer of the bank stock, and without such transfer being made to him, could not be executed.

The usual words in conferring a power to sue, are not

to be met with in the act ; and the omission of them is accounted for by the agent, who has admitted, that neither the Legislature, or he himself, who was a member of it, who probably drew, or took a principal part in drawing the bill, had in view at the time the propriety or necessity of suing the trustees, or foresaw that a suit would be instituted by any one of them against the agent.

From the omission in the act of the usual words, *demand*, *sue* and *recover*, and from the intention of the Legislature, as admitted by the agent, we infer that no authority was given to him by the act to sue the trustees, to obtain a transfer of the bank stock. If then the agent had no authority to sue, a naked power only was imparted to him, to call on the trustees to surrender up their trust, and transfer to him the bank stock ; this he repeatedly required one of the trustees to perform, and his request was as often evaded, or denied by that trustee.

No power of compromising, or of sueing, having been entrusted to the agent, it should seem, that when a transfer of the bank stock had been refused, except upon conditions, which he was not authorised to accept, the object of his commission was at an end. It may indeed, and has been contended, that the agent might return again to London and make another application for a transfer of the bank stock, and on payment give a discharge, and that therefore the act, under which he was appointed, is still in force.

Every construction given to an act of the Legislature ought to be reasonable ; is the construction contended for, to prove the act to be in force, a reasonable one ? Would the agent act rationally in returning to London to apply again for a transfer of the stock, without com-

petent powers to enforce the application? Could the General Assembly reasonably require him to undertake a second voyage on so fruitless an errand?

The agent having exceeded his power in filing a bill in the English Court of Chancery against the trustees, and other claimants of the stock, to obtain a partial transfer of it, and being disappointed in the expectation, that a partial transfer, at least, would be decreed by the Chancellor to be made to him, considered his agency as closed, and has pointedly delivered this sentiment in his letter from London to the Governor, of the 14th of August last in these words: "Enclosed is a copy of my letter to Mr. Pitt, and of my instructions to my solicitors respecting their management of my suit against the trustees and other claimants of the stock, until *they receive the directions of the General Assembly.* Having *thus concluded my agency*, I shall leave this city on Monday next for Deal, where I shall immediately embark for Annapolis."

If the law in question hath expired, and to recover the bank stock, it should be necessary to appoint, by a new law, another agent, or reappoint the same person, with more ample powers, the quantum of the commission to be allowed such agent, would of course come under the consideration of the Legislature, and the Senate might then exercise its judgment in fixing the rate of such commission, which it will be precluded from doing, as matters are now conducted. Admitting the agent's commission, still to be in force, the advance of money is improper; the agent having voluntarily undertaken the agency, knowing that the Governor and the Council were empowered to allow a commission, not exceeding four per cent on the net sum to be received by him in full satisfaction for his trouble, and that no expenses were to

be defrayed by the State, in case the bank stock could not be obtained, and being apprised that the Governor and the Council gave him the full commission in consideration of the risk, and the expenses he might be subjected to in the execution of his trust.

CHARLES CARROLL OF CARROLLTON,
DANIEL CARROLL,
EDWARD LLOYD.[1]

The Non-Juror's Bill, or the "act to repeal part of an act for the better security of government," divided the House and Senate at this session. The bill was to remove the disability of non-jurors, and while the House favored it the Senate refused to pass it. Charles Carroll of Carrollton was the only member who voted in the affirmative on its second reading. The act was in line with the liberal policy he had always advocated in regard to the Tories, and he did not hesitate to stand alone, among his colleagues in the Senate, in support of it. When the bill was returned to the House, the latter responded, that they were not able to conjecture the reasons that influenced the Upper Chamber in its action; that they had favored the measures, to allow non-jurors to hold office and vote at elections, from principles both of humanity and policy, but would recede from the first-mentioned provision if the Senate would consent to the second. A committee of three, including Thomas Stone and Daniel Carroll, was appointed by the Senate to answer this message. When the reply was prepared and put to the vote, Charles Carroll was again the single mem-

[1] *Ibid.*

ber voting against the majority. The message, which was two pages long, said, in part: "We can see no benefit at present to be derived to the prosperity of the State, from adopting ideas which you are pleased to call *humane*, but apprehending circumstances may take place, in which the pernicious effects of your ill-judged tenderness would soon appear, we cannot coincide with you in the proposed display of liberality."

The British occupation of the western posts, the Senate argued, was a menace to the United States, and the Tories should not expect exemption from their political disabilities while this was the condition of affairs: "When the Treaty of Peace is fully executed, the Federal Government strengthened, and we shall receive satisfactory proof of the attachment of the non-jurors to our Constitution," then, added the Senate, we will pass the bill. The House replied to this in a long message. "As Your Honors," they said, "stated the reasons which influenced your conduct, without any expectation that they would have any weight with us, you cannot be offended with our assuring you, that your opinion was well-founded; and we are inclined to believe, that your reasons were calculated rather to alarm the pride and passions of our constituents, than convince their judgment." A tart and sarcastic rejoinder went in return from the Senate, January 22d, approved of by all the members except Charles Carroll of Carrollton. They made the most of an alleged error of the House, as to a portion of the bill which they wished repealed, being void already:

"Gentlemen, Having been much instructed by the matter, and duly impressed with gratitude for the manner of your very polite answer to our message of the 19th of this month, we cannot refrain from congratulating you upon the happy discovery made yesterday, that the very part of the act referred to is void, which but a few days before you pressed for a repeal of with much seeming earnestness. . . . However this matter ends, great credit must be allowed you for your humanity, liberality and wisdom, but above all, for the great and generous mind you discover in shifting your position with so much facility, after the first attempt to accomplish your very laudable views has not met with merited success, owing to the opinion of this House, unhappily dictated by the extremity of folly." [1]

The English of this paragraph of the Senate's message is certainly far removed in style from that to be found in the messages penned by Charles Carroll of Carrollton.

The session of the Assembly which opened in November, 1785, was a long one, extending to the 12th of March, 1786. As usual, Charles Carroll was promptly in his seat, but he was obliged to wait ten days, from the 7th to the 17th, before a quorum was obtained. General Smallwood was elected Governor. And among the subjects occupying the attention of the Senate was the measure so strongly advocated by Charles Carroll at a previous session, the provision of permanent salaries for the members of the Judiciary. Daniel Carroll, Thomas Stone, and Charles Carroll of Carrollton were appointed a

[1] *Ibid.*

committee to prepare a message to the House, saying that the Senate deemed it the duty of the Legislature to pass such a bill at this time. Thomas Stone, Charles Carroll and one other member were appointed a committee, the 12th of December, to prepare a message to go to the House of Delegates, declining a conference on the subject of Henry Harford's memorial, asking compensation for his losses as late Proprietary. The Senate thought a conference needless, and that Mr. Harford should receive no compensation.

Charles Carroll of Carrollton was then made chairman of a committee to write a message to the House on the subject of enlarging the High Court of Chancery. The House proposed a conference on the subject, and Thomas Stone, Charles Carroll, and William Perry were named the Senate conferrees. Other committees upon which Charles Carroll was placed were: that for amending the bill preventing the exportation of unmerchantable tobacco; that for ascertaining the value of land in the several counties for purposes of assessment; and that for drafting the bill for the valuation of personal property. When a motion was made and carried, that the act to direct descents be read a second time, Charles Carroll voted in the negative, and he voted for the motion that the consideration of the bill be put off to the next session, and that it be published in the Baltimore and Annapolis papers.

The bill to repeal part of the Act of Assembly concerning the admission and qualification of solicitors and attorneys, was brought in by Charles Car-

roll of Carrollton at this session. And on the subject of the bank stock, the Senate sent a message to the House agreeing that the State pay all legal costs, and the fees paid or to be paid, by the State agent, Mr. Chase, to attorneys, counsel, etc., in the suits in the High Court of Chancery of Great Britain respecting the bank stock, the five hundred pounds already advanced the State agent being first applied to these purposes. On this message, the President of the Senate, Daniel Carroll, with Charles Carroll of Carrollton and Edward Lloyd voted in the negative. The House and Senate were, as usual, at issue on various questions; amongst others the proposed commercial convention between Maryland, Virginia, Pennsylvania, and Delaware, the Senate thinking such a Convention derogatory to the dignity of Congress.

In the messages from the Senate to the House of Delegates, Charles Carroll of Carrollton was generally on the committee to draft them. There was the customary sensitiveness on the subject of money bills, between the two branches of the Legislature. "We are fully satisfied," the Senators say on one occasion, "no inconvenience or mischief would arise if the Senate could not only amend, but originate money bills; but the framers of our Constitution have thought differently." And they complain of the embarrassment and delay caused in the public business, from the Senate's not having the right to amend money bills; "we shall be very careful," they add, "how we subscribe to the doctrine, that the bills which you may be pleased to style money

bills, become really such on that account." On the 6th of March the act was passed investing the United States in Congress assembled, with the power to levy particular duties, for the use of the United States, on certain enumerated articles, and five per cent. on all other foreign merchandise imported into Maryland.[1]

The Senate met again for the regular fall session, on the 6th of November, 1786, but it was not until the 30th that a sufficient number of members were present to transact business. General Smallwood was re-elected Governor of the State, and elections were made in the Senate and for delegates in Congress. Then for two months the two branches of the Legislature disputed over the various questions that divided them ; the Supply Bill, the Debtor's Bill, and last but not least, the bill for the emission of paper money. It was at this session also, that the commissioners were to be elected to the Convention in Philadelphia. Edmund Randolph, the Governor of Virginia, sent a letter to the Maryland Assembly proposing this Convention "to revise the Confederation of the United States," and a conference took place between the House and the Senate on the subject. The Senate conferrees were Thomas Stone, Charles Carroll of Carrollton, and William Hemsley. On the 2d of December the "Act for the Emission of Bills of Credit" was read a second time and unanimously rejected. Thomas Stone, Charles Carroll of Carrollton, and Richard Ridgely were appointed a committee to prepare a message to the House

[1] Journal of the Maryland Senate.

giving the Senate's reasons for this action. This message fills five pages of the printed journal. It said in part:

"Both reason and experience evince that if the bills of credit proposed to be emitted should depreciate considerably, they will neither relieve the people, or answer the exigencies of government, but will increase the difficulty on both to procure real money, by adding an article of purchase to those which are already the objects of sale. . . . Your bill would derange our commerce, banish specie. The cautious and timid would hoard it up. Considered with a view to commerce as well as finance, it appears not only useless but injurious. . . . The foregoing reasons are particularly pointed at your bill; some of them indeed apply against paper money in general, as a circulating medium; but as the sinking our quota of the federal domestic debt is an object of great importance, if any funds can be provided to give a value to State paper, to be exchanged for the liquidated paper of Congress, at a reasonable rate, the exchange to be voluntary with the holder of the continental paper, and the State paper to be made receivable for the funds pledged, but not to affect the public engagements, private dealings, or the other revenue of the State, we would agree to adopt such a measure."

The Senate admitted, in their message, that the situation of the country was critical, and they proposed that the duties on imports should be increased, and that a moderate direct tax be raised in specie. On the 6th of January the House of Delegates suggested an adjournment to the 20th of March. Thomas Stone, John Henry, Charles Carroll, and

two other members were appointed a committee to reply to this proposal. They perceived, they said, with "inexpressible regret," that the House was determined to adjourn, after a session of eight weeks, when the Continental Treasury was empty, and no assessment bill had been passed to raise the money needed for both State and Federal purposes; no steps had been taken to raise a troop of horse, as required by Congress, and the deputies to meet in Philadelphia had not been appointed: "We cannot account for your postponing the consideration of these great and interesting subjects, and your adjournment to the 20th of March, unless it be to appeal to the people upon the bill for an emission of paper money which we rejected." After speaking of the other measures on which they disagreed, the message says, of the bill above referred to:

"We are satisfied that the objections to the bill are unanswerable, and that if the sense of the people could be fairly collected, the majority would be against the measure. We are also convinced that the majority would increase, if time were given to discuss, understand, and form a right judgment on the subject. You propose to adjourn to a time so short that it is impossible a deliberate consideration of the question and free interchange of sentiments can take place."

This message was sent the 20th of January, the day of the proposed adjournment, and the House rejoined promptly:

"The length of your message and the communication of it within a few hours only of the proposed time for

closing the session, prevents us from making full observations upon it. We shall only say in reply, that we have paid every possible attention to the public affairs of the Union, and the interest and happiness of our people. You have thought proper to overrule every material system proposed by us for these purposes, and have brought forward nothing essential in their stead. The people must decide upon our conduct and yours, as to the utility, policy and rectitude of the systems respectively proposed; and we trust we can meet our God and our country with consciences as quiet and undisturbed as your own. We repeat our request to close this session this evening."

The Senate replied, saying that the "system of an emission of paper money, the only one proposed by the House, was utterly incompetent to afford the relief desired," and reminding the Representatives that it was not the province of the Senate "to point out ways and means of raising money." The Senate then ordered that one thousand copies each of the messages on the subject of the emission of paper money be printed to be distributed among the people, and the Assembly soon afterward adjourned, but to the 20th of April instead of the 20th of March, extending the time for the consideration of the question at issue one month.[1]

How this agitation in the Assembly affected the people in the State, is shown in a letter written by Robert Lemmon, a prominent merchant of Baltimore, to Councillor Carter of Virginia, March 5th, 1787. Charles Carroll of Carrollton also refers to

[1] *Ibid.*

this matter in a letter of his written about the same time.

"Our dispute respecting an emission of paper money runs very high. You have, I suppose, heard of the great differences upon that subject, between the two branches of our Legistature—how they adjourned without doing any business of consequence after a session of two months. The opponents are daily increasing, and I am inclined to think if an emission takes place, it will be for a small sum. The schemes of designing men being daily disclosed, creates a greater opposition and discovers a large emission to be intended to serve private, rather than public usefulness." [1]

When the Legislature met in April, its two great objects, said the House in a message to the Senate, were "the raising of supplies for Congress and this government, and the relieving of our people with respect to their difficulties and distresses on account of their private debts." The House was to undertake the first-named measure, and the Senate was asked to draw up the Debtor's Bill. John Henry, Charles Carroll of Carrollton, and John Hall were appointed a committee by the Senate to answer this message, and in their reply they said they thought the work of drawing up an act for the relief of debtors, "without interfering with the contracts of individuals," was one of great difficulty, and they proposed a joint conference on the subject. The House assented and nominated members for the purpose, the Senate selecting as conferrees

[1] Carter Papers, owned by Charles P. Keith.

Charles Carroll, John Hall, and William Perry, and Richard Ridgely was added later. The report of this conference was brought in by Charles Carroll of Carrollton, and it stated that it was the opinion of the conferrees "that the instalment of private debts is a measure at this time necessary," and "that the creditor should be obliged to accept of the proposed instalment from the debtors." Then followed fourteen provisions for carrying out the plan advocated. The law to repeal acts repugnant to the Treaty of Peace with Great Britain was put into the hands of a committee of three, George Gale, Charles Carroll, and John Hall, and Charles Carroll of Carrollton was named first on the committee of three who were to prepare a message to go with the bill to the House. The bank stock difficulty was approaching solution at this time, the Legislature resolving that the agent of the State for the recovery of the bank stock, might with the approbation of Governor Smallwood, Charles Carroll of Carrollton, and Thomas Johnson, or any two of them

"compound, settle and agree with the trustees of said stock, or any other person or persons concerning the same, on such terms and conditions as they may think for the advantage of the State, on consideration of the situation of said stock, present circumstances of this State, and the benefit that may be derived from a speedy and reasonable compromise, and that the money arising from the stock that will remain in this government may be laid out in such manner as the said gentlemen or any two of them shall think most beneficial to this State." [1]

[1] Journal of the Senate.

The delegates to the Federal Convention in Philadelphia were elected by the Maryland Assembly, on the 23d of April. These were Robert Hanson Harrison, Charles Carroll of Carrollton, Thomas Stone, James McHenry, and Thomas Sim Lee. But only one of these gentlemen accepted the appointment, and this was James McHenry. And the delegation as finally elected on the 26th of May, the last day of the session, consisted of James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin. The Senate, this time, proposed the day of adjournment, in a message of three lines and a half, May 25th, saying they had despatched all the business on their table, and had given the House sufficient time for the preparation of the Supply Bill, and wished to rise the following day. The House made a dejected rejoinder. "Having no hope," they said, "of making adequate provision to comply with all the demands upon us by prolonging the session," they would try to finish up all immediate business that evening.[1] The spectre of paper money had been effectually laid, the Senate having won a decisive victory, a triumph in which Charles Carroll of Carrollton bore a leading part. This, is one of the instances alluded to in a former chapter where, in the words of Judge Taney's biographer "the integrity and firmness of the Senate withstood the unwise course of the more popular branch," and the issue of paper money proposed by the House of Delegates, under the leadership of Samuel Chase was rejected by the Senate "under

[1] *Ibid.*

the lead of Thomas Stone and Charles Carroll of Carrollton." [1]

From Charles Carroll's correspondence in these years, of which, however, not many traces remain, some knowledge may be gleaned of the more personal and private side of his life at this period, to supplement the public record. We find him, June 5, 1784, ordering from his merchants in Marseilles, "by the first vessel bound from Marseilles to Baltimore town, 12 dozen quart bottles of your best Frontignac wine and 500 pounds weight of your best Turkey coffee." Thus was the wine-cellar depleted doubtless during hostilities, to be stored anew with foreign vintages, while the smoking beverage of the breakfast-table was to be the Frenchman's coffee rather than the Englishman's tea. Among Charles Carroll's Virginia correspondents were Col. John Fitzgerald, of Alexandria, and Mr. James Hunter, of Fredericksburg. To the former he wrote in 1785–86, on the subject of the Potomac Canal Company, which then wanted five per cent. on the subscriptions of its members, and to which Charles Carroll had subscribed a thousand pounds. Letters of Robert Carter of "Nomini," written in 1784, 1786, and 1787, which are extant, relate to the business of the Baltimore Iron Works, and are replies to letters of Carroll, now lost. They give evidence of the latter's continued and conscientious interest in his duties as a shareholder in the Patapsco, or Baltimore Company.

A scheme in which Charles Carroll of Carrollton

[1] Tyler's "Life of Roger Brooke Taney," p. 121.

with many others of his faith were concerned, about this time, was the project for establishing a Jesuit College in America, to be located at Georgetown, then a part of the State of Maryland. "Proposals" for this purpose appeared in a prospectus issued 1786–1787, and heading the list of gentlemen in Maryland who were to solicit subscriptions was the name of Charles Carroll of Carrollton. In Virginia, Colonel Fitzgerald and George Brent were appointed for this purpose, and at New York, Dominick Lynch.[1]

In 1785, Charles Carroll sent his son, then a little over ten years of age, to Europe, to be educated as his ancestors had been, in the Jesuit schools of France. The father writes from "Doohoragen" [*sic*] July 31st, to Messrs. Wallace, Johnson, and Muir, merchants in London, and tells his correspondents:

"This will be delivered to you by my son whom I have sent to London on his way to Liege to be there educated in the English College. . . . My cousin, Daniel Carroll of Duddington will accompany my son to Liege to see his brother who is now in the English College. . . . In a day or two I shall set off from this place to George Town to see my son embark."[2]

This embarkation of young Charles was commemorated on canvas. And it seems that the child did not sail from Georgetown, as his father had expected, but from the Carroll house at Annapolis.

[1] Shea's "Life and Times of Archbishop Carroll," p. 308.

[2] Family papers, Rev. Thomas Sim Lee.

Such, at least, is the tradition, which is supported by the details in the old picture. The heads are said to be all portraits. In the family group saying farewell, are Charles Carroll of Carrollton and his two daughters, while the dusky face of a negro boy, the young master's valet and playmate, lends its distinctive Southern character to the scene. This negro's son, known to the present generation of the family, as "Old Patrick," died only a few years ago. He was a fine specimen of the courteous, well-bred, kind-hearted, and loyal servant of the house, which the system of domestic slavery in America produced, and which "emancipation" has banished from the continent. "Old Patrick" had many interesting reminiscences to give of the "Signer" whom he well remembered, and at whose funeral he had been a mourner.

Daniel Carroll of "Duddington" who accompanied his young cousin to Liege, was the eldest son of Charles Carroll of "Duddington" and "Carrollsburg," and grandson of the elder Daniel Carroll of "Duddington." This younger Daniel Carroll had two brothers, Charles Carroll of "Bellevue," the one who was at Liege in 1785, and Henry Carroll. The following letters were written by Charles Carroll of Carrollton to his cousin of Duddington, while the latter was abroad in 1786–1787. Daniel Carroll, it will be seen, had been a suitor for the hand of his fair relative, Mary Carroll, and it was a match which her father evidently preferred to the one she was about to make. But in young Carroll's absence, an English rival had succeeded in supplanting him.

28th May, 1786, ANNAPOLIS.

DEAR COUSIN :

I have received your letters of the 15th November and 12th February. You may apply to Mr. Johnson for reimbursement of the 18 guineas which your trip to Liege cost you, and on producing this letter to him I desire that he will pay you that sum, and charge it to my account. By your letter of the 12th February, I find you intended to set out in a few days for France. I make no doubt you will employ your time in that country in improving yourself and particularly in learning French. I would not advise too long a residence in Europe. It will be attended with considerable expense, which your estate, not being a very productive one, you cannot well afford. You no doubt will endeavor not only to improve yourself in the French language, but also by the acquirement of some of the polish of their manners. Observe the cultivation of the country, particularly of the vineyards, and learn the most improved methods of making wine ; attend also to their manufactures, inquire into their prices from the manufacturers themselves ; endeavor to fix some useful correspondences in France. These observations, and these correspondences may hereafter turn to account, and in some measure compensate the expense you have been put to in making them.

Miss Darnall and my daughter join me in sincere wishes for your health and happiness. Little Kitty grows a fine girl.

I am your affectionate kinsman
and humble servant,

CHARLES CARROLL OF CARROLLTON.

To Daniel Carroll of Duddington, Esq., London.[1]

[1] Family papers, Mrs. William C. Pennington.

ANNAPOLIS, 13th March, 1787.

DEAR COUSIN:

I am favored with your letter of the 20th September. As the intelligence I am going to give you may make some alterations in your plans, although disagreeable, I must impart it to you. My daughter, I am sorry to inform you is much attached to, and has engaged herself to a young English gentleman of the name of Caton. I do sincerely wish she had placed her affections elsewhere, but I do not think myself at liberty to control her choice, when fixed on a person of unexceptionable character, nor would you, I am sure, desire that I should. My assent to this union is obtained on these two conditions, that the young gentleman shall extricate himself from some debts which he has contracted, and shall get into a business sufficient to maintain himself and a family. These conditions he has promised to comply with, and when performed there will be no other impediment in the way of his marriage. Time will wear away the impression which an early attachment may have made on your heart, and I hope you will find out in the course of a year or two, some agreeable, virtuous, and sweet-tempered young lady, whose reciprocal affection, tenderness, and goodness of disposition will make you happy, and forget the loss of my daughter.

I would advise you to return home next autumn. It is time you should look after your own affairs; indeed these do not suffer from your absence. Your worthy father-in-law [step-father] is as attentive to and watchful of your interest as you would be yourself, but I know he wishes you would return as soon as possible. Your residence in Europe may occasion you to spend more money than you can well afford, and this expense may subject you to considerable embarrassment hereafter.

Your brother Charles is lately arrived ; the ship he came passenger in was cast away off Cape Hatteras, no lives lost. Your brother, I believe, will study the law in this city under Judge Hanson. I have heard lately from Charley. I am told he begins to apply to his book. I wish you would endeavor to get information how he comes on in his studies.

This State is at present a good deal agitated by an appeal made to the people by the House of Delegates concerning a bill for a paper emission rejected at the last session by the Senate. If any dependence can be placed in reports, a majority of the people will be against an emission on loan, the plan of the House of Delegates. The Assembly will meet again the 10th of next month, when this question will be decided.

A convention is to meet at Philadelphia next May for the purpose of revising the Articles of Confederation, correcting its defects, and enlarging the powers of Congress. The meeting, it is thought, will be full, and consist of the first characters in this country.

Miss Darnall and Molly desire their kind compliments to you. Kitty sometimes talks of "Cousin Long-legs." She is still puny, and often complaining, grows tall, and if she should hereafter enjoy a better share of health, I think will make a fine woman.

An insurrection of numbers of malcontents, in the State of Massachusetts, has been lately suppressed by the exertions of that government, which I hope will increase its energy, and have a good effect in other States, where similar dispositions might otherwise have occasioned similar commotions.

I have mentioned every occurrence worth communicating, and therefore conclude this letter with assurances

of real regard and attachment. Wishing you health and happiness, I remain, Dear Cousin

Your affectionate kinsman and very humble servant,

CHARLES CARROLL, OF CARROLLTON.[1]

Mary Carroll was married, in the fall of this year, at seventeen years of age to Richard Caton an English gentleman who had settled in Baltimore in 1785, He became one of the prominent citizens of the town, entering a mercantile firm for the manufacture of cotton in 1790, and at one time interesting himself in geological researches. Catonsville, a suburb of Baltimore, bears his name, as it was built up round the old mansion given to Mary Carroll by her father on her marriage. "Polly Caton" as her portrait testifies was very attractive and pretty. She "was distinguished," says a recent writer, "for the grace and elegance of her manners as well as for her many sweet and amiable qualities. She was a particular favorite of Washington's and one of the most charming ornaments of the Republican Court."[2] She was the mother of three beautiful women who married into the English aristocracy and are still remembered as "The American Graces." A fourth sister who married in her own country is the only one, however, who left descendants.

"Kitty Carroll" the little girl who made jokes on Polly's lover, "Cousin Long-legs," was sent to the English Convent at Liege in 1789, when eleven years of age. Charles Carroll of Carrollton wrote from New York, July 6, 1789, to Messrs. Wallace, Johnson, and Muir:

[1] *Ibid.* [2] *Harper's Magazine*, September, 1880.

"The last letter which I wrote to your Mr. Jos. Johnson was by my daughter Kitty who sailed from Baltimore the 20th of May and I hope has safely arrived in London before this time. I must request Mr. and Mrs. Johnson's attention and care of my dear little girl while in London, where her stay, I hope was very short: the maid who accompanied her Mr. Johnson will be pleased to have shipped by the first vessel sailing and bound to Maryland after Kitty's departure from London, for she is not to go with Kitty to Liege." [1]

Joshua Johnson, Charles Carroll's correspondent, at whose house little Kitty was to stay while in London, was a Marylander, a brother of Governor Thomas Johnson.

[1] Family papers, Rev. Thomas Sim Lee.

CHAPTER IV.

IN THE UNITED STATES SENATE.

1787–1790.

THE important business before the Maryland Senate, at its November session, 1787, was the new Federal Constitution. A committee of four appointed to report on the "act of the late Federal Convention," included Charles Carroll of Carrollton, and Daniel Carroll of Rock Creek, the latter having been a member of the Convention where he voted generally on the side of the "Federalists," the name claimed by the advocates of the proposed system of government. Their opponents, however, who feared that the *federal* character of the Constitution was not sufficiently defined in this instrument as reported by the Convention, and desired to see it amended before it was adopted by the States, asserted that the term Federalist more properly described one who held their views. But a party cannot always select its own name. So it came about that the ultra *Federalists* received the title of Antifederalists, then were known later as Republicans, and finally under the lead of Thomas

Jefferson, as Democrats, the name the party still retains. The committee's report provided that the Constitution be submitted to a Convention, to be elected the 3d Monday in January, to meet at Annapolis the following March, " and if they assent to and ratify the Constitution, that they give notice thereof to the Congress of the United States."[1] The House submitted other resolutions to the Senate on this subject, which were finally accepted by them in place of their own, in order not to protract the session.

The death of Thomas Stone in October, announced in the Senate at this time, removed one of Maryland's strongest men from the political arena, just at the opening of the new era, and was a great loss to the Antifederalists among whom he had been numbered. In the division of sentiment as to the merits of the Federal Constitution the two parties, which were soon to be massed in serried ranks as Federalists and Democrats, took their birth. Here Charles Carroll of Carrollton separated from some of his old friends, becoming known as a leader of the Federalists. And prominent among the Antifederalists in Maryland at this period were Samuel Chase, John Francis Mercer, and Luther Martin. The latter in an able and impassioned letter widely circulated through the public press, gave expression to the principles of his party, the " Federal Republicans," as they then preferred to style themselves.

Very little business was done in the Senate after the question of the Convention was settled. Charles

[1] Journal of the Maryland Senate.

Carroll brought in a report, December the 8th, from the committee of three to whom was submitted for amendment the act respecting civil suits and county courts. A communication had been received from Uriah Forrest, Esq., by Charles Carroll of Carrollton on behalf of the Senate, and Thomas Johnson on behalf of the House of Delegates, relating to the claim of Messrs. Van Staphorst, of Amsterdam, against the State of Maryland; and a joint committee of both Houses was appointed to receive information from Carroll and Johnson on this subject. This committee reported that the loan procured in Holland of 270,000 florins, through the Messrs. Van Staphorst, was obtained from a number of individuals in Holland on the credit of the State, and the Van Staphorsts as agents were not answerable, or in any manner security, to the lenders for the principal of the loan, or interest thereon. And they declared that it was a mistake to suppose that the State was indebted to the Messrs. Van Staphorst for the loan aforesaid. The Senate, on the 15th of December, sent a message to the House to the effect that whereas "the continental State money which was drawn out of the Treasury some time last winter and spring, by order of the Commissioners of the Treasury of the United States, considerably affected the revenue and resources of Maryland, and subjected the people to a burthen, etc., measures should be taken to obviate the consequences of a proceeding so injurious to our constituents." Charles Carroll of Carrollton and William Perry were appointed by the Senate to unite with a committee of

the House, consisting of Thomas Johnson and three others, "to investigate the transaction and to report what steps to pursue for redress." This committee brought in its report the following day, which was read and assented to. The Assembly then adjourned, December 17th, to meet again the 2d Monday in May.[1]

The Maryland Convention, called to vote on the Federal Constitution, met in Annapolis on the 21st of April. The only account of its proceedings which has come down to us is that furnished by the Antifederalists of the Convention in their "Address to the People of Maryland," showing this body to have been a complete travesty of a deliberative assembly. A discussion of the Constitution, clause by clause, was forbidden. Those who were opposed to ratification without previous amendments were not permitted even to read these amendments, and the Federalists obstinately refused to speak in answer to the objections made by the Antifederalists. Subsequent amendments agreed to by a committee consisting of members of both parties, were not reported at all, though they were read to the Convention by its chairman, George Plater. The efforts of the Antifederalist minority to get any hearing at all, or the slightest regard paid them, proved fruitless; the Federalists refusing to have the yeas and nays taken on the final vote; "nor would they permit the vote to be entered on the journal, by which the yeas and nays were prohibited, to preclude the consideration of any amendments."[2]

[1] *Ibid.* [2] Elliot's "Debates of State Conventions," vol. ii.

Among the prominent men of Maryland in this Convention who were Antifederalists, were the two Chases, Samuel and Jeremiah Townley Chase, William Paca, William Pinckney, John Francis Mercer, and Luther Martin; the last two having been members also of the Federal Convention. Another eminent Marylander who desired to see the Federal Constitution amended before it was riveted upon the States, was General and Governor William Smallwood. Samuel Chase wrote to General Lamb of New York from Baltimore, June 13th, soon after the adjournment of the Maryland Convention, on the subject of communications from the society of the "Federal Republicans." This was an organization of Antifederalists banded together in an effort to secure amendments to the Constitution, and having their headquarters at New York. "I believe," wrote Chase, "a very great majority of the people of this State are in favor of amendments, but they are depressed and inactive . . . Governor Smallwood, Mr. Mercer, Mr. J. T. Chase, our Attorney-General, and a few more, are decided against the government. An attempt will be made to elect none but *Federalists*, as they falsely call themselves to our House of Delegates."[1]

The effect of the adoption of the Federal Constitution on Maryland's State Constitution, is thus referred to by one of her historians. "In several articles, the 2nd and 8th sections, the new national Constitution clashed with and repealed provisions (the 26th and 33d) of the existing Constitution of

[1] Leake's "Life of Lamb," p. 310.

Maryland, although adopted by a Convention of the people assembled by a simple resolution of the Legislature, and followed by no other sanction or ratification; a proceeding seemingly subversive of the 59th article of the State Constitution."[1] The Maryland Constitution gave the Governor the entire control of the militia, of all the land and sea forces of the State, and also the power to lay embargoes, etc., during the recess of the Assembly. McSherry explains that the statesmen of Maryland probably "understood the restriction of the 59th article, taken in connection with the 42nd section of the 'Declaration of Rights,' as binding only on the Legislature, and in no manner interfering with the right of the people to alter and amend or renew that instrument by means of a Convention assembled by a simple resolution—a construction strongly contended for at the present day (1849). They seem to have considered, that as a Convention of the people had power to frame a Constitution at the outset, so a similar body, under the very theory of the government, properly constituted, would always have power to alter or renew it; and the 42nd and 59th articles simply provided an additional means and conferred a new power, by which amendments might be made, through the Legislature, thereby rendering unnecessary a too frequent resort to Conventions."[2] The Bill of Rights forbade any change except in the manner to be provided by the Constitution. The latter declared no alteration could be made unless

[1] McSherry's "History of Maryland," p. 323.

[2] *Ibid.*, p. 330.

an act for the purpose "shall pass the General Assembly and be published at least three months before a new election, and shall be confirmed by the General Assembly after a new election," etc. And there can be no justification given for the course pursued. The Federal Constitution "repealed in effect one clause of the State Constitution, and took away from the State a portion of its sovereignty and nationality."[1] Moreover this Federal Constitution was never properly submitted to the people of the State, and cannot be said to have received a legal sanction by constituted authority.

What were the views of Charles Carroll of Carrollton, on the summary proceedings of the Maryland Convention do not appear, as none of his correspondence at this time has been preserved. He was promptly in his seat in the Maryland Senate at its May session. A letter was received from George Plater, president of the Convention, May 15th, enclosing "the resolve and ratification of the Federal government." On the 23d Charles Carroll brought in the insolvent debtor's bill, which repealed a former act on the subject, and revived another one, entitled, "Act for the relief of insolvent debtors."[2] After some routine business, the Assembly adjourned.

The Maryland Senate met again, and for the last time, under the more elastic, and in many respects "more perfect" union represented by the Articles of Confederation, November 3d, 1788. The first business of importance was the election of Senators

[1] *Ibid.* [2] Journal of the Senate.

to sit in the newly organized Federal Congress. John Henry, George Gale, Charles Carroll of Carrollton and Uriah Forrest were put in nomination, two for the Eastern and two for the Western Shore. John Henry was elected Senator for the Eastern Shore on the second ballot, and on the third ballot Charles Carroll of Carrollton was elected the Senator for the Western Shore. The Incorporating Bill, or "Act to incorporate certain persons in every Christian Church or congregation throughout this State," was committed for amendment to John Henry, Charles Carroll of Carrollton, and three others, on the 11th, of December, and was brought in as amended, by Henry, two days later. Charles Carroll was made chairman of a committee of three who were to draw up a message to the House of Delegates on the subject of an act to lay a further tax on the people of Harford County to complete the public buildings of said county. A message from the House was received on the 19th in reference to the Incorporating Bill. It was thought to be a subject too complicated, and of too great importance for hasty action, and the House proposed that it be published for the consideration of the people. This bill takes up four pages of the Senate's journal. The only other matter of moment coming before the Assembly at this time, was the act to cede ten miles square for the seat of the Federal Government. The Legislators adjourned on the 23d of December, in time for the Christmas holidays.[1]

[1] *Ibid.*

The first Congress of the United States under the new Constitution met in the city of New York, April, 1789. This Union of 1789, which replaced the Union under the Articles of Confederation, as *that* had succeeded to the unwritten compact between the colonies formed at the outbreak of the Revolution, and existing on the promulgation of the Declaration of Independence, was instituted by the States for the purpose, as Luther Martin expressed it in the Federal Convention, of supporting and upholding these governments. It was to sustain their dignity and give them a common agent in their intercourse with foreign powers. "The American Confederacy," wrote a Federalist of 1818, "is constituted by the union of 20 States, each in itself separately considered sovereign and independent, and having its own executive, legislature, judiciary, local constitution and laws."[1] And a Federalist in 1833, describing the government, and the origin of political parties speaks of the United States in 1788 as "thirteen independent sovereignties," who "called into the deliberative Assemblies of the time all the able men of the country" for the purpose of voting upon a Constitution which would unite them, it was thought, in a compact more conducive to the happiness and prosperity of these States than that under which they were then living. "It is believed" he adds, "that a large majority of the thinking men were decided that there must be some confederation of the States."

[1] "Letters from Washington on the Constitution and Laws," Washington, 1819.

He complains that those "who were in favor of adopting the proposed Confederation" were stigmatized by Jefferson as "monarchists" and "disunionists."[1]

It was as a Federalist then, as Federalism was understood by its friends during his life time, that Charles Carroll of Carrollton appeared in the United States Senate in 1789. The City Hall in New York, corner of Wall and Nassau streets, was fitted up for the sessions of Congress, and called Federal Hall. The House of Representatives met in a room on the first floor, and the Senate Chamber was upstairs. There were also galleries on the second floor, two belonging to the House of Representatives, and one, an iron gallery communicating by an ante-room with the Senate Hall. The building contained in addition several rooms, for committees, a library, etc. The New York "Register for 1789" gives us the place of residence of the Senators and Representatives. Charles Carroll had rooms at "52 Smith Street," and in the same house with him were the Maryland Representatives, Daniel Carroll, William Smith and George Gale. Carroll's colleague in the Senate, John Henry had rooms at "27 Queen Street."[2]

As the Senate sat with closed doors through these first years of its existence, we must look for accounts of its proceedings, to private memoirs and correspondence. The number of Senators did not then

[1] Sullivan's "Familiar Letters on Public Characters," pp. 27, 31.

[2] Griswold's "Republican Court," pp. 120–166.

exceed eighteen. Charles Carroll took his seat, Monday, April 13th, and was added on this day to the Judiciary Committee.[1] John Henry arrived April 20th. From the invaluable "Journal" of William Maclay, one of the Senators from Pennsylvania, we get the only detailed description preserved of the Senate debates from April 1789 to March 1791, and through this source Charles Carroll's record may be traced during the two years he was a member of this body. Maclay's first entry was made April 24th. A subject agitating Congress at this the beginning of a new and untried course, was that of titles of honor. What titles, if any, should be bestowed upon the President and other dignitaries of the government? John Adams and Richard Henry Lee came prominently forward in favor of titles, and Charles Carroll of Carrollton showed in the discussion this day that he was opposed to them.[2] The question whether Congress should, at the Inauguration of the President, accompany him to St. Paul's Church and attend divine service, was opposed by Maclay, and carried "by the Churchmen," as he says, on the 27th. "Carroll" he adds, "though he had been the first to speak against it, yet was silent on this vote. This proves him not the man of firmness which I once thought him."[3]

Charles Carroll no doubt, showed good sense as well as courtesy in not further opposing a religious

[1] History of Congress, vol. 1. Senate.

[2] Journal of William Maclay, p. 1. 1789–1791. New York, 1890.

[3] *Ibid.*, p. 4.

service advocated by a majority of his fellow Senators. The great day arrived, the 30th of April, and the sturdy, plain-spoken Democrat from Pennsylvania, an abhorer of ceremonies and etiquette, gives an amusing and graphic recital of the Senate's deliberations, as to how they should receive the President, and whether they should stand or sit during his address. Lee and Izard bring forward the English precedents, and the Vice-President "this son of *Adam*" for whom Maclay had a special aversion has a few words to say also. Then, adds the journalist "Mr. Carroll got up to declare that he thought it of no consequence how it was in Great Britain; they were no rule to us, etc." Maclay goes on to describe the coming in of the Speaker and the House of Representatives, amidst some confusion in the Senate, and how they wait an hour and more for the President, because the Senate committee had neglected to go after him. Finally he comes in, bowing right and left, advancing between the Senate and Representatives. The Vice-President rose and told him he should take the oath, which he does on the balcony. Then they return into the Senate Chamber, and all are seated, and when the President rises to address them all rise. Washington is much embarrassed and rather ungainly in his gestures. From the hall they go to St. Paul's Church where prayers are said by Bishop Provoost. The Senate then return to their Chamber and continue their session. They took up the President's address, which John Adams calls "his most gracious speech," an expression strongly disapproved of by Maclay. A com-

mittee of three, consisting of William S. Johnson of Connecticut, William Paterson of New Jersey and Charles Carroll of Carrollton, was appointed to prepare an answer to the address.[1] Charles Carroll had established his reputation as a clear and forcible writer, and it is noticeable here as in the councils of his own State that when important papers were to be drafted his vigorous pen was called into requisition.

On the 5th of May the weighty question as to how bills were to be sent to the other House was discussed for two hours. The House of Representatives had offended the Senate by sending them a bill in a letter, instead of despatching it by a member of their body, and now that the bill prescribing the oath was to go to the House, a motion was made that it should be carried by the Secretary. Maclay thought that this was a bad way of sending bills as it interrupted business, and if the Senate wanted to retaliate in kind the bill should be put in a letter, but the most friendly and cordial way for the two Houses to carry on their intercourse was through members, as in the State Legislatures. The motion was carried, however, against Maclay and his adherents. "Ellsworth was with us," he writes, "and so was Mr. Carroll, but he concluded with saying he would this time vote for the Secretary to go down with the bill."[2] The committee appointed to prepare a reply to the President's address made its report on the 7th of May.

[1] History of Congress, vol. i. Senate.

[2] Journal of William Maclay, p. 19.

"One part was objected to which stated the United States to have been in *anarchy* and *confusion*, and the President stepping in and rescuing them. A very long debate. The words were struck out. Mr. Lee offered part of a sentence, which, I thought filled the sentence with propriety. It was however lost. Mr. Paterson offered a clause 'rescued us from evils *im*pending *over* us.' This was carried ; but half the Senate nearly made sour faces at it. Mr. Ellsworth said it was tautological, but seemed at a loss as to mending it. I rose, . . . I admitted that there appeared something tautological in the words, and it was not easy to mend them consistent with elegant diction, but, if the first syllable was taken from the word *im*pending it would then stand 'evils pending over us.' The objection would be obviated, but I would not say the language would be eloquent. But, since I was up, I could not help remarking that I thought the whole clause improper ; that to state the whole Union as being in anarchy or under impending ruin was sanctifying [sanctioning?] the calumnies of our enemies, who had long labored in the foreign gazettes to represent us as a people void of government. It was fixing a stain on the annals of America, for future historians would appeal to the transactions of this very day, as a proof of our disordered circumstances." [1]

The speech was then again put in the hands of the committee, "for the purpose of dressing it." And Maclay adds later:

"The committee returned with the message, and it really read vastly better, and was altered in the exceptional phrases. In one place, speaking of the Government, it

[1] *Ibid.*, p. 20.

mentioned 'dignity and *splendor*.' I submitted it to the gentlemen who had the amending of it whether 'respectability' was not better than *splendor*. Mr. Carroll of the committee, did not defend the word 'splendor,' but said 'respectability' had been used before if he recollected right. Mr. Paterson said it sounded much better than 'respectability,' and rounded the period. Dr. Johnson said 'splendor' signified in this place the highest perfection of government. These were the three members of the committee. I mentioned that if the word *respectability* had been used immediately before, it would be improper; that *dignity* alone, I thought, expressed all that was wanted. As to the seeking sounding names and pompous expressions I thought them exceptionable on that very account, and that no argument was necessary to show it; that different men had a train of different ideas raised by the same word; that 'splendor' when applied to government, brought into my mind, instead of the highest perfection, all the faulty finery, brilliant scenes, and expensive trappings of royal government, and impressed my mind with an idea quite the reverse of republican respectability, which I thought consisted in firm and prudent councils, frugality and economy." [1]

But the word "splendor" was allowed to remain, much to the gratification of the Vice-President, as Maclay observes, who with "joy in his face," rose in the chair and repeated twice over "he hoped the government would be supported with *dignity and splendor*." In this address to the President, he was thanked for his speech, and the country congratulated "on the complete organization of the Federal

[1] *Ibid.*, p. 22.

Government"; and reference was made to the "great events which led to the formation and establishment of a Federal Government."[1] The words "National Government" by which the modern successors of the Federalists now designate the confederation of the United States were not in the political vocabulary of the makers of the Constitution.

When the subject of titles was brought up again, some surprising things were said on the topic of kings and monarchical government. Oliver Ellsworth declaring "that kings were of divine appointment," Maclay, of course, opposed this anti-republican sentiment. "Mr. Carroll rose," he says, "and took my side of the question. He followed nearly the track I had been in, and dwelt much on the information that was now abroad in the world [diminishing the veneration for titles.] He spoke against kings."[2] Ellsworth, Carroll and Few were appointed on the 11th, a committee to consider and report on the mode of carrying into effect the section of the Constitution classing the members of the Senate, and fixing their terms of office. They gave in their report two days later. John Henry was put in the first class of Senators and Charles Carroll into the third. Then lots were drawn, and among those who vacated their seats at the end of the second year were William Maclay and Charles Carroll of Carrollton."[3] On the evening of the 11th, of May, some of the legislators were in attendance at the theatre.

[1] History of Congress, vol i. Senate.

[2] Journal of William Maclay, p. 24.

[3] History of Congress, vol. i. Senate.

It was Washington's first appearance in public since his elevation to office, and he invited William Maclay and others to seats in his box.[1] His guests on this occasion included the Governor of New York, George Clinton, the French and Spanish ministers, the Count de Moustier and Don Diego Gardoqui, the Senators from New Hampshire, Connecticut, Pennsylvania and South Carolina, and the Senators from "M," probably meaning Maryland, as the President would doubtless wish to distribute his favors equally, between the Eastern, Middle, and Southern States. There were also some ladies in the box, we are told; Mrs. George Clinton, most likely, the Governor's wife, the Marchioness de Brehan, sister of the French Minister, and the beautiful Mrs. Ralph Izard, with other women of the official circle. We can fancy John Henry and Charles Carroll of Carrollton a part of the brilliant company on this gala night. The play was the "School for Scandal," and the farce the "Old Soldier." [2]

Titles came up again for discussion on the morning of the 14th. This "base business," as Maclay calls it, had gone so far that a title for Washington had been reported some days before by the Titles Committee "His Highness the President of the United States of America and Protector of the Rights of the Same." But the House of Representatives had firmly refused to concur in the report, and both Houses had in effect rejected titles. Yet a motion was made that this report in favor of titles,

[1] Griswold's "Republican Court," p. 164.

[2] Journal of William Maclay, p. 30.

which had been laid on the table, should be entered on the files of the Senate. Charles Carroll opposed this, and was seconded by William Maclay. The latter writes:

"Mr. Carroll expressed great dislike at the forepart of the motion, which stated the acts of the Senate to be in favor of titles, when, in fact, no such resolution ever had passed the Senate. . . . Mr. Carroll declared that the idea held forth was that the Senate were for titles, but it was well known they were not all for titles. He was opposed, and so were sundry other gentlemen. He wished only for a fair question, that it might be seen who were for them and who were not. He wished the yeas and nays and let the world judge." [1]

But he failed to carry his point in getting the names declared of the title-coveting members. When the address to the President was to be signed, "a mighty difficulty was signified from the chair and the wisdom of the House called on to determine if the Chair had done right." Mr. Adams had hitherto signed his name "John Adams, Vice-President," but it was as President of the Senate he was known in that House, said Maclay, and it was in that character he should sign his name to the acts of the Senate. "Mr. Carroll got up and said he thought it a matter of indifference, and concluded that he agreed it should be signed 'Vice-president.' His looks, I thought, betrayed dissent. But the goddess of good-nature will apologize for this slight aberration from sentimental rectitude. He has for some

[1] *Ibid.*, pp. 35, 36.

time past been equally with myself opposed to the opinions of the Chair, and this was his peace-offering." [1]

On the 19th, Charles Carroll of Carrollton was appointed one of a committee of three to revise the journal of the Senate for publication,[2] in which undertaking these gentlemen were to expunge all but the barest statements of results—all debates which would have given the record character and color. They little knew that the "journal" was to be given to their posterity a hundred years later in a guise they could never have contemplated. In a discussion on the tariff, the Impost Bill as it was called, the question of a discrimination in favor of nations having commercial treaties with the United States, came up, May 26th. "I declared for the discrimination," writes Maclay; "Mr. Carroll rose on the same side with me." The particular point was, whether the five cents per gallon on Jamaica spirits, in favor of France, should be stricken from the bill. Many opposed all commercial treaties, some objected to this special discrimination as likely to offend Great Britain, declaring commercial war with her. "Mr. Langdon spoke," adds Maclay, "and seemed to be of our opinion. I did not hear a 'no' however, on the question but Mr. Carroll's and my own." [3] The subject nearest the heart of the New Englanders, it seems, was the duty on molasses. They wanted it struck out altogether, or

[1] *Ibid.*, p. 39.

[2] History of Congress, vol. i. Senate.

[3] Journal of William Maclay, pp. 51, 52.

greatly reduced, and Maclay thought, to prevent them from striking at anything else in retaliation, the duty should be reduced to four cents per gallon. "All ran smooth," he writes of the debate on the 26th, "till we came to the molasses. Till quarter after three did the New England members beat this ground, even to the baiting of the hook that caught the fish that went to buy the molasses."[1]

At length the duty was reduced from five cents to four. But on the following day, immediately after the minutes were read, Caleb Strong of Massachusetts, astonished the Senate by getting up and beginning "a long harangue on the subject of molasses. One looked at another. Mr. Carroll had taken his seat next to me. Several of the gentlemen murmured. At last Mr. Carroll rose and asked pardon for interrupting any gentleman, but said that matter had been determined yesterday." The Vice-President, however, sustained Strong, on some untenable, technical ground, and it was evident to Maclay that the point had been agreed on between Adams and the New England Senators, in order to secure a greater reduction of the duty. But the question was postponed until the following day, Maclay in the meantime arming himself for the fray, getting statistics from his friends for "the war on molasses." He arrived at the hall of the Senate before any one else. "Langdon, Carroll and the Vice-President came," and the four talked together informally before the Senate opened:

[1] *Ibid.*, p. 52.

"The discourse was general on the subject of government. 'If our new government does well,' said our Vice-President, 'I shall be more surprised than ever I was in my life.' Mr. Carroll said he hoped well of it; it would be sufficiently powerful. 'If it is,' said Mr. Adams, 'I know not from whence it is to arise. It cannot have energy. It has neither rewards nor punishments.' Mr. Carroll replied the people of America were enlightened. Information and knowledge would be the support of it. Mr. Adams replied, information and knowledge were not the sources of obedience; that ignorance was a much better source."[1]

When the Senate met, after various other articles had been taken up and disposed of, Richard Henry Lee and William Grayson, the two Senators from Virginia, opposing protective duties generally, the molasses conflict was declared on again. The President of the Senate then made such an extraordinary speech, concluding "that after the four cents had been carried it was in order to move for any lower sum," that "somebody whispered he ought to get his wig dressed."[2] But the controversy ended, for the time being, leaving the duty four cents, as before determined. When the Senate met on the 29th, after steel nails, spikes, etc., the article of salt came under consideration: "Up rose Mr. Lee, of the Ancient Dominion . . . He concluded a lengthy harangue with a motion for twelve cents, which in his opinion was vastly too low. He was seconded by Mr. Carroll of Maryland. Ellsworth

[1] *Ibid.*, p. 54.

[2] *Ibid.*, p. 56.

rose for an augmentation, but said if twelve was lost he would move for nine. Lee, Carroll, Ellsworth and Mr. Morris, speakers, in favor of the augmentation."[1] William Maclay, with Ralph Izard and William Few, spoke against the augmentation, maintaining that as salt was such a necessary of life it should be "touched with a gentle hand, if at all." Thomas Fitzsimons, one of the Representatives from Pennsylvania, a Roman Catholic, and a personal friend of Charles Carroll's, had furnished the latter, it seems, with "the documents which he had collected on the subject of revenue, as well respecting Pennsylvania as the Union in general."

On the 3rd of June, Robert Morris, Charles Carroll of Carrollton, John Langdon, George Read, and Richard Henry Lee were appointed a committee to report the mode of communicating the acts of Congress "to the several States in the Union," and the number necessary for that purpose. The report, which was brought in the following day, provided that in ten days after passing the act, twenty-two printed copies be lodged with the President, and he be requested to send two to each of the "supreme Executives in the several States."[2] The "Union" at this time consisted of eleven States only, North Carolina and Rhode Island having remained in the old Confederation from which the other States had seceded. Maclay tells of an amusing scene in the Senate on the 4th, when titles were again on the carpet. The discourse was on the question of styl-

[1] *Ibid.*, p. 57, 58.

[2] History of Congress, vol. i. Senate.

ing the members "honorable" in the minutes, a "most serious affair," as the Vice-President declared. He wanted "right honorable," and Lee seconded him: "Up now rose Grayson, of Virginia, and gave us volley after volley against all kinds of titles whatever. Louder and louder did he inveigh against them. Lee looked like madness. Carroll and myself exchanged looks and laughs of congratulation."[1]

When the Impost Bill was taken up soon after, the New Englanders were for reducing the duty on molasses to three or two cents per gallon. Maclay and others spoke against the reduction. "I must not omit," says Maclay, "that Carroll got up and spoke well on our side. He stated the inequality of duty on molasses and sugar as sweets; that a gallon of molasses was equal, as a sweet, to seven pounds of good brown sugar. Seven cents on one, four on the other." The imposts being discussed again Friday, the 5th, the Senate came to the article of teas, "imported from any other country than China." An amendment was moved "that should confine the direct trade from India and China to the United States to our own vessels." Robert Morris thought the matter should be left until experience proved its necessity. "Mr. Carroll got up, said if the matter was right it should be tried now and not wait for experiment, which might be attended with detriment, and seconded the motion."[2] The Senate soon after adjourned to Monday, to enable the

[1] Journal of William Maclay, p. 65.

[2] *Ibid.*, p. 68.

members to attend a "levee," at which Maclay is somewhat scandalized, as important bills were waiting their action.

On the 9th he finds "a new phenomenon had made its appearance. . . . Pierce Butler from Carolina had taken his seat and flamed like a meteor." The motion made Friday and seconded by Charles Carroll, had been negatived. And a report brought in by a committee on the tariff, charged such high duties that they amounted to a prohibition. Charles Carroll, with Robert Morris and three of the New Englanders, were for the report, while Few of Georgia, the two South Carolinians, and Richard Henry Lee were against it, in the discussion that ensued. Maclay did not like the report, "but concluded to vote for it, all things considered, rather than by rejecting it, to have all set afloat on that subject again."[1] The debate waxed warm on the 11th: "Butler flamed away, and threatened a dissolution of the Union with regard to his State, as sure as God was in the firmament." Maclay writes among his meditations of the 14th:

"My mind revolts, in many instances against the Constitution of the United States. Indeed I am afraid it will turn out the vilest of all traps that ever was set to ensnare the freedom of an unsuspecting people. . . . Memorandum: Get if I can, *The Federalist* without buying it. It is not worth it. But, being a lost book, Izard or someone else will give it to me. It certainly was instrumental in procuring the adoption of the Con-

[1] *Ibid.*, p. 71.

stitution. This is merely a point of curiosity and amusement to see how wide of its explanations and conjectures the stream of business has taken its course." [1]

The question was raised on the 17th, as to how the Senate should give its *advice* and *consent* to nominations made by the President. Maclay thought the matter was in the nature of an election, and the vote should be taken by ballot, "that when the person was put in nomination, the favorable ticket should have a yea and the others should be blanks." He was seconded by Few of Georgia. Charles Carroll, among others, spoke against Maclay's suggestion. The subject was continued the following day: "Mr. Carroll spoke long for the *viva voce* mode. He said the ballot was productive of caballing and bargaining for votes. He then wandered so wide of the subject as to need no attention." [2] The vote by ballot was decided upon. The Judiciary Bill was taken up on the 22nd of June, and debated up to the middle of July.

An important bill, that for organizing the Department of Foreign Affairs, as it was called, was discussed in the Senate on the 14th of July. The resolution upon which it was based, as drawn up by Madison in the House of Representatives, contained the provisions that members of this Department "shall be appointed by the President, by and with the advice and consent of the Senate, *and to be removable by the President.*" Maclay spoke at length on the subject of the President's power as defined

[1] *Ibid.*, p. 75. [2] *Ibid.*, p. 80.

by the Constitution. The President, he said, should not have the power of removal from office since he had not the power of appointment; "The depriving power should be the same as the appointing power." The next day the journalist continues,

"Mr. Carroll showed impatience to be up first. He got up and spoke a considerable length of time. The burden of his discourse seemed to be the want of power in the President, and a desire of increasing it. Great complaints of what is called the *atrocious assumption of power in the States.* Many allusions to the power of the British kings. *The King can do no wrong.* If anything improper is done, it should be the Ministers that should answer. How strangely this man has changed!"[1]

The two who were allies at the beginning of the session were now drifting widely apart. John Adams considered this debate on the power of removal of so much importance that he has made notes of it which are fuller than those of Maclay, though he has omitted points which had struck his opponent. Carroll's speech as minuted by the Vice-President is as follows:

"The executive power is commensurate with the legislative and judicial powers. The rule of construction of treaties, statutes and deeds. The same power which creates must annihilate. This is true where the power is simple, but when compound not. If a minister is suspected to betray secrets to an enemy, the Senate not sitting, can not the President displace nor suspend?

[1] *Ibid.*, p. 113.

The States-General of France demanded that offices should be during good behaviour. It is improbable that a bad President should be chosen—but may not bad Senators be chosen? Is there a due balance of power between the executive and legislative, either in the General Government or State Governments? (Montesquieu quoted here). English liberty will be lost when the legislative shall be more corrupt than the executive. Have we not been witnesses of corrupt acts of legislatures, making depredations? Rhode Island yet perseveres."[1]

The Senate was equally divided on the question, nine for and nine against the President's "unqualified power of removal" and the casting vote of the President of the Senate decided it in favor of the Executive. Maclay describes the excitement in the Senate on the 16th, when the vote was taken; the "huddling away in small parties," John Adams being "very busy indeed, running to every one." Then the Senate met and a heated debate ensued, after which several changed sides; "But now recantation was in fashion." When it was found out the vote was a tie, "the Vice-President with joy cried out, 'It is not a vote' without giving himself time to declare the division of the House and give his vote in order." Of William Grayson's speech on this occasion, Maclay says; "It was not long but he had in it this remarkable sentence; 'The matter predicted by Mr. Henry is now coming to pass; consolidation is the object of the new Government, and

[1] Adams's "Works of John Adams," vol. iii., pp. 408–412.

the first attempt will be to destroy the Senate, as they are the representatives of the State Legislatures.' "[1]

The Judiciary Bill, or bill to establish the Federal Courts was passed on the 17th of July. Charles Carroll of Carrollton had been on the committee appointed to prepare it, and of course gave his vote for it. Those voting against it were Pierce Butler, William Grayson, John Langdon, Richard Henry Lee, William Maclay and Paine Wingate.[2] "I opposed this bill from the beginning," writes Maclay; "It certainly is a vile law system, calculated for expense and with a design to draw by degrees all law business into the Federal Courts. The Constitution is meant to swallow all the State Constitutions by degrees, and thus to swallow, by degrees, all the State judiciaries."[3]

On the 20th July, Maclay went home on three weeks leave of absence, in bad health, and in low spirits at the course of the Federalists who were shaping the new Government into a form at variance with the principles of the Constitution, as he believed. This same day the Impost Bill passed to a second reading, and was committed to Morris, Langdon, Carroll, Dalton, and Lee for additions and alterations.[4] The bill for allowing compensation to the President and Vice-President of the United States, on its second reading, August 6th, was re-

[1] Journal of William Maclay, p. 116.
[2] History of Congress, vol. i. Senate.
[3] Journal of William Maclay, p. 117.
[4] History of Congress, vol. i. Senate.

ferred to a committee of eleven, which included Charles Carroll of Carrollton.[1] Ralph Izard, Rufus King, and Charles Carroll were at the same time appointed a committee to wait on the President of the United States, and confer with him on the mode of communication proper to be pursued between him and the Senate, in the formation of treaties, and making appointments to offices.[2]

William Maclay, returning to his post of duty, makes the first entry in his journal, on Sunday, August 16th. He goes that day to see his friends, and to hear of what has transpired in his absence. The "Court party," as he calls the Federalists, "is gaining ground," as he understands. Washington had dined and wined the Senators and expressing at his table his objection to the voting by ballot in agreeing to his nominations, this was to be abandoned for the *viva voce* vote. The report of the committee of three appointed to confer with the President, was taken up on the 21st, and contained the resolution, "declaring that the Senate should give their advice and consent in all cases [to presidential nominations] *viva voce* vote." And Robert Morris urged his colleague to change his views on this point, as the Senate had done, "for his own sake," which Maclay interprets to mean that otherwise he will be neglected in official circles. Despite this warning he gives an audible "No," against the resolution, which found only one faint echo from the other side of the Senate: "so that now the Court

[1] *Ibid.*

[2] Executive Journal, 1789.

party triumphs at large."[1] Maclay pictures the scene in the Senate, on the 22nd, when the President and Secretary of War come in, bringing a treaty with the Southern Indians, which the Senators are expected to consent to simply on hearing it read. When the whole matter was postponed and referred to a committee, the President "wore an aspect of stern displeasure," and withdraws at length "with a discontented air"; and adds Maclay naïevely, "had it been any other man than the man who I wish to regard as the first character in the world, I would have said, with sullen dignity."[2] When the President appeared again in the Senate on Monday, the 24th, he had recovered his equanimity, and was "placid and serene," consenting to amendments to the articles of the treaty. The Compensation Bill was debated the following day. This was the act to fix the compensation, or *per diem* of members of the Senate and House of Representatives, and the officers of both branches of Congress. Maclay moved that the pay be five dollars a day, and Robert Morris wanted it eight, the two Pennsylvanians representing opposite theories here as on other occasions. The one advocated economy and plain living, the other a handsome income which should be spent freely. At length Rufus King moved for a committee, as it was a matter "of a delicate nature," to whom the bill might be referred. The committee of five appointed included Charles Carroll of Carrollton.[3]

[1] Journal of William Maclay, p. 127. [2] *Ibid.*, p. 131.

[3] History of Congress, vol. i., Senate; Journal of William Maclay, p. 135.

The debate on the permanent residence of Congress was the chief subject of interest in the Senate from this time on to its adjournment. But there was also another matter of importance receiving its attention, namely the proposed amendments to the Constitution. The Federalists had many of them agreed to these amendments, in the State Conventions, and had pledged themselves to secure them, after the adoption of the Constitution, in the manner provided by that instrument. On the 25th of August the Senate considered the resolve of the House of Representatives, "that certain Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States."[1] In spite of his not playing the courtier, Maclay finds himself dining with the President on Thursday, August 27th, where he meets Mrs. Washington, Mr. and Mrs. Adams, and a number of other prominent persons. "It was a great dinner," he tells us, "and the best of the kind I ever was at." But after giving the bill of fare, he adds: "It was the most solemn dinner ever I sat at. Not a health drunk; scarce a word said until the cloth was taken away." Then healths were drunk all round, the ladies sitting a good while, but "a dead silence almost," and after they withdrew it continued nearly as dull.[2] Charles Carroll was, probably, often a guest at the dinners of the President, and it is not likely they were as stiff, on every occasion as the one here described.

[1] History of Congress, vol. i. Senate.

[2] Journal of William Maclay, p. 137.

When the report of the committee on the Compensation Bill was taken up in the Senate, August 28th, "the doctrine seemed to be that all worth was wealth, and all dignity of character consisted in expensive living." All the members of the committee, except Lee and Carroll, are mentioned as speaking boldly in advocacy of high salaries, and the majority in the Senate voted as if they endorsed these views. "Mr. Carroll of Maryland," adds Maclay, "though the richest man in the Union was not with them."[1] Maclay received a storm of abuse for his efforts to have no discrimination made between the pay of Senators and that of Representatives. The salary bill, fixing the pay of Federal officers, was discussed on the 1st of September, and Maclay, though ill and suffering "extreme pain," sat through the session, that his vote might be given, as the parties were evenly balanced, and he had the satisfaction of knowing that his suffrage decided "in favor of the lowest sum." But the next day he was not able to attend, and advantage was taken of his absence to increase the salaries in several instances.

At this time the Senate voted on the clause in the amendments to the Constitution, increasing the number of Representatives. It was provided by Article I. of the Constitution, that after the first enumeration of inhabitants "there shall be one Representative for every 30,000 until the number shall amount to 100." And the amendment was to strike out "one" and make it "two" hundred.[2]

[1] *Ibid.*, p. 139. [2] History of Congress, vol. i. Senate.

The motion was defeated, Charles Carroll and John Henry voting with the majority, and Maclay's vote would no doubt have been in favor of the amendment. But Maclay remained confined to his room with a lame leg, suffering also from the doctors, as he says, and unable to get information of all that was going on in the Senate and out of it, "or to minute it down if I could," he adds. Among the sick man's callers on the 11th was "Mr. Carroll of Carrollton," who came in company with Dr. Johnson, one of the Senators from Connecticut.[1]

The President sent a message to the Senate on the 17th, on the subject of treaties with the Indians. It was committed to Charles Carroll, Rufus King, and George Read. The President wished to know whether a treaty "is to be considered as ratified" simply by his proclamation. Carroll brought in the report of the committee the following day, to the effect, "That the signature of treaties with the Indian nations has ever been considered as a full completion thereof."[2] Maclay is again in his place on the 21st of September, ready for the debate on the permanent seat of government, in which he is deeply interested as a Pennsylvanian, a site on the banks of the Susquehanna being then fixed upon. The bill was debated on the 22nd, 23rd, and 24th. As he went into the Hall early on the 23rd, Maclay says, "Mr. Carroll came in; told me Mr. Morris was against the bill and wanted to bring forward 'Germantown' and the 'Falls of the Delaware.'" And Morris

[1] Journal of William Maclay, p. 151.

[2] History of Congress, vol. i. Executive Journal.

moved to strike out the proviso in the bill, which required Pennsylvania and Maryland to provide for removing the obstructions to the navigation of the Susquehanna, below the site to be selected. "Mr. Carroll got up and answered Mr. Morris mildly," writes Maclay.[1]

John Adams who has preserved a record of the debate, gives Carroll as "against the motion to expunge the proviso; considers the Western country of great importance. Some gentlemen in both Houses, seem to under-value the western country, or despair of commanding it. Government on the Potomac would secure it."[2] Maclay was quite certain that "if the proviso is struck out, the two Marylanders will vote against us." Robert Morris and some of the Pennsylvanians in the House of Representatives were playing a shifting game, saying in effect, as Pierce Butler put it: "Let us keep the Federal town on the Susquehanna, and let there be no navigation out of it, and then you must come to Philadelphia. But, rather than have the Susquehanna opened which will take some of our trade away, we will not let you put the Federal town there."[3] Maclay talked much, and worked hard, to get the bill passed as it then was, prophesying, "that at the next session Virginia would come forward with five members from North Carolina, and be joined by two or three from Pennsylvania, and we should infallibly go to the Potomac."[4]

[1] Journal of William Maclay, p. 160.
[2] Works of John Adams, vol. iii., pp. 412, 413.
[3] Journal of William Maclay, p. 159. [4] *Ibid.*, p. 161.

On the second reading of the bill to establish the seat of government, the motion was made by William Grayson and Richard Henry Lee, to strike out "in the State of Pennsylvania" after the word Susquehanna, and it was lost, Carroll and Henry voting for the amendment and Maclay, of course, against it.[1] Then Grayson and Lee moved for the Potomac and it was carried against them. Robert Morris moved that the ten miles square be located at Germantown, adjoining the city of Philadelphia, pledging the State to give $100,000 for this object. The vote was equally divided, and John Adams decided it in favor of Morris's amendment, much to Maclay's disgust. On the 25th, Charles Carroll moved "to strike out the residence being in New York until the Federal building should be erected," and Maclay voted with him. Congress adjourned on the 29th of September, and Maclay, very glad to be rid of his political vexations, took a place in the stage and set off for Philadelphia on his way home.[2]

Charles Carroll of Carrollton doubtless hurried back to Maryland that he might have some time for his personal and plantation affairs, before the opening of the Assembly. He spent the month of October, probably, at "Doughoregan Manor," and early in November we find him in Annapolis, appearing in the Senate on the 4th. John Eager Howard, one of Carroll's warm friends, the hero of Cowpens, was elected Governor of Maryland on the 16th, and on the following day Charles Carroll and

[1] *Ibid.*, p. 164; History of Congress, vol. i. Senate.

[2] Journal of William Maclay, p. 169.

Richard Ridgeley were appointed to join a committee of the House "to prepare an address to the President of the United States." Carroll was made chairman of two other committees also about this time. On the 30th of November, when the "Act to ratify certain articles in addition to and amendment of, the Constitution of the United States of America, proposed by Congress to the Legislatures of the several States," was read a second time, it was moved and seconded that the Senate agree to the second Article. This second Article of the Amendments, as passed by Congress in the Resolve of the House of Representatives of August 24, 1789, and agreed to later by the Senate, related to the compensation of Senators and Representatives—and provided that laws to vary this pay should not take effect until an election had intervened. The "Act to promote the gradual abolition of slavery, and to prevent the rigorous exportation of negroes and mulattoes from the State," was committed, December 4th, after some debate, to Charles Carroll and two other gentlemen, who were instructed to confer on the subject with a committee of the House. Charles Carroll reported from the committee to prepare a message to the House, as follows:

"Gentlemen:

A bill for the gradual abolition of slavery, and for preventing the rigorous exportation of negroes and mulattoes from this State, has been originated in this House, and lain some time for consideration. The great importance of this subject, whether considered with a view to the persons whom it concerns, or to the advantage and hap-

piness of the community at large, appears to be such as to require peculiar investigation, and the most serious attention of the legislature. Hence it is conceived, that discussion of this subject by a joint committee of both Houses will be proper, that by a candid exchange of sentiments such a system may be reported, as will be thought most agreeable, as well to the sense of both branches of the legislature, as to the sense of our fellow-citizens. With this view we have framed the resolution which accompanies this message, and do request that a committee be appointed, on the part of your House, to investigate the subject of the bill above mentioned, with the committee chosen on the part of the Senate, to whom under this expectation we have referred the same."[1]

The House apparently took no notice of this message, and December 15th, it was ordered that this bill be referred to the next session. Other committees of importance appointed by the Senate of which Charles Carroll was made chairman were the following: the committee to prepare amendments to "the act to dispose of the reserved lands westward of Fort Cumberland in Washington County, and to fulfil the engagements made by the State to the officers and soldiers of the Maryland Line in the service of the United States;" and the act respecting the debtors and creditors of the State, "under the act to establish funds to secure the payment of the State debt within six years, and for the payment of the annual interest thereon."[2] The Senate adjourned on Christmas-day.

[1] Journal of the Maryland Senate. [2] *Ibid.*

About this time the Roman Catholics of America presented an address to General Washington, as President of the United States, which was signed on behalf of the clergy by the Bishop-elect of Baltimore, the Rt. Rev. John Carroll, and on behalf of the laity by Charles Carroll of Carrollton and Daniel Carroll, Dominick Lynch of New York, and Thomas Fitzsimons of Pennsylvania. Washington replied in a courteous letter, dated March 12th, 1790.[1]

The second session of the first Congress met in New York on the 4th of January, 1790, and John Henry arrived on the 19th. But it was not until the 15th of March that Charles Carroll took his seat. Maclay reached New York on the 5th of January, and was in the Senate the following day. North Carolina sent in her ratification of the Constitution at this time, and her Senators soon after took their seats.[2] Maclay tells of the President's address to Congress, and the answer to it; of his dining with Washington, and being treated with great attention. "He is but a man, but really a good one, and we can have nothing to fear from him, but much from the precedents he may establish," is the conclusion of the Democratic Senator. The bill to promote the progress of useful arts, on its second reading, March 15th, was committed to Carroll, Johnson, Maclay, Few, and Paterson,[3] Charles Carroll having arrived in the Senate that day. A characteristic conversation that John Adams has with the distinguished Marylander, two days

[1] Life and Times of Archbishop Carroll, pp. 348,350.

[2] History of Congress, vol. i. Senate. [3] *Ibid.*

later, has been preserved in Maclay's journal. He writes :

"Before the Senate was formed this morning, Mr. Carroll of Carrollton happened to be sitting next to me. We were chatting on some common subject. The Vice-President was in the chair which he had taken on the performance of prayer. He hastily descended and came and took the chair next to Mr. Carroll's. He began abruptly : 'How have you arranged your empire on your departure? Your revenues must suffer in your absence. What kind of administration have you established for the regulation of your finances? Is your government intrusted to a viceroy, nuncio, legate, plenipotentiary, or *chargé d'affaires*?' etc. etc. Carroll endeavoured to get him down from his imperial language by telling him he had a son-in-law who paid attention to his affairs, etc. 'T was in vain. Adams would not dismount his hobby. At it again ; nor was there an officer in the household, civil or military departments of royal or imperial government that he had not an allusion to. I pared my nails and thought he would soon have done, but it is no such easy thing to go through the detail of an empire. Guardian goddess of America, canst thou not order it so, that when thy sons cross the Atlantic they may return with something else besides European forms and follies? But I found this prayer ruffled me a little, so I left them before Adams had half settled the empire." [1]

Mrs. Caton accompanied her father to New York at this time, where she became a favorite in society,

[1] Journal of William Maclay, p. 216.

and was admired both for her beauty and amiability, General Washington, it is said, being very fond of her. And her portrait, painted by Robert Edge Pine,[1] preserved by her descendants is full of grace and charm.

The Assumption Bill, Alexander Hamilton's scheme for funding the State debts, was agitating Congress at this its second session. It was a measure vehemently opposed by the Democrats, as calculated to give too much power to the general government. Charles Carroll was in favor of it, and Maclay writes on the 22d of a visit he pays Carroll with another gentleman: "We got on the subject of the State of South Carolina having instructed their representation. Could any hints have gone from here, said he, to set them on this measure? He [Carroll] is a Roman Catholic, and the intimate friend of Mr. Fitzsimons."[2] Mr. Fitzsimons who was one of Hamilton's supporters, it seems, had gone back to Pennsylvania to prevent that State from instructing her delegates as to how they should vote, and Maclay thinks he is suspected of having been working for the same end, though with an opposite motive. Charles Carroll brought in a report on the bill for promoting the progress of useful arts, and twelve amendments were added to it, March 30th. On this same day the bill for regulating the military establishment of the United States was committed to Few, Ellsworth, Butler, Schuyler, Carroll, Langdon, and Strong. Mr. Few reported

[1] Griswolds's "Republican Court," p. 209.

[2] Journal of William Maclay, p. 220.

this bill on the 6th of April.[1] "Some trifling amendments were made in the compensation to the officers," writes Maclay, "but the bill was materially the same . . . I spoke against the whole bill, as the egg from which a standing army would be hatched, as it is a standing army in fact, for the smallness of the number does not diminish the principle."[2]

The progress of the Revolution in France could not fail to be of deep interest to Americans, and as yet Federalists and Democrats had not divided on the question of its merits as they were to do subsequently. So Maclay records one day:

"Carroll of Carrollton edged near me in the Senate Chamber and asked me if I had seen the King of France's speech, and the acts of the '*Tiers États*,' by which the distinctions of the nobility were broken down. I told him I had, and I considered it by no means dishonorable to us that our efforts against titles and distinctions were now seconded by the representative voice of twenty-four millions. A flash of joy lightened from his countenance. How fatal to our fame as lovers of liberty, would it have been had we adopted the shackles of servility which enlightened nations are now rejecting with detestation!"[3]

The Military Bill was discussed, at intervals, from April 15th to April 21st, when it passed the Senate, with amendments. It was said by the friends of the bill that the troops were augmented because Georgia wanted them to protect her from the Indians, and Charles Carroll took this ground in advocating the

[1] History of Congress, vol. i. Senate.

[2] Journal of William Maclay, p. 232 [3] *Ibid.*, p. 233.

measure. But Gunn of Georgia said that Georgia was at peace, and there was no need to increase the troops on her account. Rufus King asserted that soldiers were wanted because there was a conspiracy between the Kentuckians and the Spaniards, and Maclay arose in great indignation, to defend "the characters of the people on the Western waters." Maclay maintained that the Constitution never contemplated a standing army in time of peace—"a well-regulated militia" was provided, and that was all. And he declared that the Constitution of Pennsylvania was abhorent of a standing army, and it was to be inferred that the United States Constitution was equally opposed to it. "Ellsworth asserted that military establishment meant and could mean nothing short of a standing army. Carroll used the same language, and expressly said, that though the Constitution of Pennsylvania might forbid it, we were not to be governed by any State Constitution." [1]

When the Senate met on the morning of the 22d of April, the news had just been received of the death of Benjamin Franklin. The House of Representatives voted to wear crape on their arms for a month, in honor of this distinguished man but in the Senate it was observed that they had "suffered Grayson to die without any attention to his memory, though he belonged to our body, and perhaps had some claims to a mark of sorrow." So when Charles Carroll of Carrollton rose, the next day, and made a motion that the Senate should follow the example

[1] *Ibid.*, p. 245.

of the House and wear crape for the loss of Dr. Franklin, some members objected, Maclay says, to gratify the South Carolinians who hated Franklin. He had made himself obnoxious by signing one of the first memorials by which Northern Abolitionists sought to influence Congress in an unconstitutional interference with property rights at the South. Maclay had seconded Carroll's motion, but, he adds, "as the matter strictly speaking, was not senatorial or such as belonged to us in our capacity as a public body, and as it was opposed, Carroll looked at me, and I nodded assent, and it was withdrawn." [1]

Rhode Island had not as yet joined the new Union and it was now proposed to make her suffer for her delay. Maclay, in his dryly sarcastic manner, reports that on the 28th, "as we had nothing to do in the Senate, Carroll moved for a committee to consider what was to be done about Rhode Island, etc. One was accordingly appointed." It was ordered that Carroll, Ellsworth, Morris, Izard, and Butler "be a committee to consider what provisions will be proper for Congress to make in the present session respecting the State of Rhode Island." The "agitating the affair of Rhode Island," was considered by Maclay and his friends as "only to furnish a pretext to raise more troops," and he regarded Carroll as a tool of "the Secretaries" (Hamilton and Knox) in bringing it forward. This committee reported through its chairman on the 5th of May, and the subject was considered on the 10th, Morris finally reporting the bill, "to prevent bringing

[1] *Ibid.*, p. 247.

goods, wares and merchandise from the State of Rhode Island and Providence Plantation into the United States, and to authorize a demand for money from the said State."[1] It was recommitted and Charles Carroll reported additional clauses on the 18th of May, when the bill passed, Maclay with Lee and Walker of Virginia, Butler of South Carolina, Henry of Maryland, and others voting against it. It was a subject which in a great measure was a party one, dividing the Federalists and Democrats.

Maclay writes on the 5th of May: "The Rhode Island committee reported. The amount of it was to put that State in a kind of commercial coventry, to prevent all intercourse with them by the way of trade. I think the whole business premature." He spoke against the "Rhode Island resolves" on the 10th, declaring:

"That the business was under deliberation in Rhode Island; that the resolves carried on the face of them a punishment for rejection, on the supposition that they would ruin our revenue. Let us first establish the fact against them that an intercourse with them had injured our revenue before we punish them with a prohibition of all intercourse. This resolution I considered premature. The other for the demand of twenty-seven thousand dollars I considered as equally so. Let the accounts be settled, and Rhode Island has a right to be charged with, and has a right to pay her proportion of the price of independence. By the present resolutions the attack comes visibly from us. She is furnished with

[1] History of Congress, vol. i. Senate.

an apology and will stand justified to all the world if we should enter into any foreign engagements."

Again on the 11th, "the Rhode Island resolutions were taken up," says Maclay; "They admitted on all hands that Rhode Island was independent, and did not deny that the measures now taken were meant to force her into an adoption of the Constitution of the United States, and founded their arguments in our strength and her weakness. I could not help telling them plainly that this was playing the tyrant to all intents and purposes." On the 14th, when the Rhode Island bill was under discussion again, Maclay writes: "I contented myself with giving my negative to every particle of it. I knew I could gain no proselytes, and that, as the bill could not be justified on the principles of freedom, law, the Constitution, or any other mode whatever, argument could only end in anger." The "Yorkers," he says, only thought of getting in two more Senators, on whose votes they could count, in regard to the question as to the permanent residence of Congress. And Ralph Izard of South Carolina, who nevertheless voted for the bill, declared: "If gentlemen will show us how we can accomplish our end by any means less arbitrary and tyrannical I will agree with them." Robert Morris, another warm advocate of the resolutions, said of the money clause: "This is the most arbitrary of the whole of it."

Richard Henry Lee made a long speech against the bill on the 18th, and Maclay made a last effort on the same side:

"The bill had been assigned to various motives, self defence, self preservation, self interest, etc. I began with observing that the Convention of Rhode Island met in a week; that the design of this bill was evidently to impress the people of Rhode Island with terror. It was an application to their fears, hoping to obtain from them an adoption of the Constitution, a thing despaired of from their own free will, or their judgment. It was meant to be used in the same way that a robber does a dagger, or a highwayman a pistol, and to obtain the end desired by putting the party in fear; that where independence was the property of both sides, no end whatever could justify the use of such means in the aggressors."[1]

Here were the seceding States of 1787 endeavoring to force Rhode Island into their new Union in 1790 by tyrannical resolutions and penalties, as unjustifiable almost as a recourse to arms. Twelve Senators voted for and eight against the bill. Both South Carolina and Maryland gave one vote on this occasion, in opposition to States Rights, and Carroll and Izard were the only two Southern men who took the affirmative side on this question. But no statesman of this epoch could have contemplated the actual "tyranny" of making war upon Rhode Island to bring her into the Union. The spectacle was reserved for the succeeding century, of a set of sovereign States forcing, by a resort to arms, other States, "where independence was the property of both sides," into a "Union" they did not desire; an arbitrary and iniquitous course, not to be "justi-

[1] Journal of William Maclay, pp. 258, 259, 263, 264, 266, 267.

fied on the principles of freedom, law, the Constitution, or any other [doctrine] whatever. No end whatever could justify the use of such means in the aggressors."

CHAPTER V.

FEDERAL AND STATE POLITICS.

1790–1792.

THE bill "providing for means of intercourse between the United States and foreign nations," at its second reading in the Senate, on the 3d of May, was committed to Strong, Ellsworth, Carroll, Maclay, and Few.[1] Maclay writes of the debate this day "on the subject of etiquette, and the expense attending and necessary to constitute the very essence of an ambassador." An appeal was made to the Chair, and Maclay disbelieved John Adams's "tales of a traveller," and "voted in the face of all his information. A commitment of the bill was called for," he adds, "and I was, contrary to my expectations, put on it." Three days later he reports of the proceedings of this committee:

"On the bill for the salaries of ministers plenipotentiary, *chargé d' affaires*, etc. I bore my most pointed testimony against all this kind of gentry; declared I wished no political connection whatever with any other

[1] History of Congress, vol. i. Senate.

country whatever. Our commercial intercourse could be well regulated by consuls, who would cost us nothing. All my discourse availed nothing. The whole committee agreed with me that they were unnecessary. Why then appoint any, or make provision for the appointment of any, for so sure as we make a nest for one the President will be plagued till he fills it? We agreed to the bill as it stood, but I proposed twice to strike out all about ministers plenipotentiary." [1]

The committee met the Secretary of State by special appointment on the evening of the 24th, and an interesting description is given by Maclay of Thomas Jefferson, the slender figure, lounging manner, and face with a "sunny aspect," impressing the austere Pennsylvanian as wanting in dignity, while his discourse "partook of his personal demeanor. It was loose and rambling, and yet he scattered information wherever he went, and some even brilliant sentiments sparkled from him." But Maclay evidently did not think Jefferson much more reliable than Adams on the subject under discussion.

"The information which he gave us respecting foreign ministers, etc., was all high-spiced. He had been long enough abroad to catch the tone of European folly. He gave us a sentiment which seemed rather to savor of quaintness. 'It is better to take the highest of the lowest than the lowest of the highest.' Translation: 'It is better to appoint a *chargé* with a handsome salary than a minister plenipotentiary with a small one.' He took his leave and the committee agreed to strike out the specific sum to be given to any foreign appointment, leaving it to the

[1] Journal of William Maclay, p. 257.

President to account, and appropriate thirty thousand dollars generally for that purpose." [1]

Two bills debated in the Senate at this time were the Funding Bill and the Bill for the Permanent Residence of Congress. With the latter went the discussion of an adjournment for the next session from New York to Philadelphia, a motion which met with much opposition from certain quarters. And William Maclay's journal gives us some idea of the excitement the intrigues on this subject occasioned. "How shall I describe," he writes on the 8th of June, "this day of confusion in the Senate." The proposed removal to Philadelphia was the burning topic of the hour. The South Carolinians wanted to remain in New York until the site of the Federal city was selected: "Now it was that Izard flamed and Butler bounced, and both seemed to rage with madness," reports the Pennsylvanian. He makes no mention of Charles Carroll on this day, but mentions him as speaking on the 1st of June, and Maryland's votes with those of Virginia, were counted by Maclay as favoring the move to Philadelphia.[2]

Charles Carroll was appointed on the 8th of June, one of a committee of three, to consider the matter of adjournment, and the business it was necessary to finish at this session.[3] The House of Representatives, about this time, voted for the temporary residence of Congress to be in Baltimore, of which "Butler wished Carroll joy," Maclay writes. The latter preferred Baltimore to New York, and after

[1] *Ibid.*, p. 272. [2] *Ibid.*, pp. 279, 285.
[3] History of Congress, vol. i. Senate.

visiting Mr. Jefferson's office on some business, before going to the Senate on the 14th, he called at the lodgings of Mr. Carroll, "to forewarn him that an objection would be made to Baltimore that there were no public buildings, and that he should be prepared on this subject."[1] On the 24th of June, the bill for establishing a "post-office and post-roads within the United States," which had been read the first time two days before, was committed to Johnston, Langdon, Carroll, Strong, and Maclay.[2]

A meeting of the committee took place early the following morning, and Maclay tells of a conversation had with Charles Carroll on this occasion: "I found Mr. Carroll there. We had much loose talk. He told me his plan, which was to take Butler's bill [relating to the Federal city], amended so that the residence should be ten years in Philadelphia, at the end of which the permanent residence should be on the Potomac." The Post-Office committee met again on the 26th. Maclay writes:

"The bill came up from the Representatives with every post-road described, both main and cross roads. Carroll and Strong were for blotting out every word of description, and leaving all to the Postmaster-General and the President of the United States. I proposed a different plan: that one great post road should be described by law from Portland, in New Hampshire, to Augusta, in Georgia, passing through the seats of the different governments, and that two cross-roads only should be described from New York to Canada, and

[1] Journal of William Maclay, pp. 289, 291.

[2] History of Congress, vol. i. Senate.

from Philadelphia or some other proper place to Fort Pitt, for the accommodation of the Western country. The other, or block system prevailed."[1]

When the committee met on Monday, the 28th, there was "such running and caballing of the Senators nothing could be done." The Residence Bill was coming up, and little else could be thought of. Richard Henry Lee and Charles Carroll were the leaders in the Senate who advocated the Potomac for the permanent residence of Congress, and Madison pressed its claims in the House, while the President was known to favor the river on which was located his beloved "Mount Vernon." Maryland had made the most generous offer of territory for this purpose, proposing, through her Representatives, to cede to the United States a district ten miles square in any portion of her territory which Congress might select. So, though the Susquehanna and the Delaware made rival bids, the Potomac carried off the prize, as it was considered. William Maclay, who favored the river of his own State was suspicious of his Maryland friend at this juncture, and thought he was temporizing with the "Yorkers." He speaks of the Potomac party in the Senate as "Carroll and Co." However, when the vote was finally taken, June 30th, giving the temporary residence to Philadelphia for ten years (this clause having been moved by Charles Carroll on the 29th) and the permanent residence to the Potomac, Maclay professed himself satisfied.

[1] Journal of William Maclay, p. 308.

"I am fully convinced Pennsylvania could do no better. The matter could not be longer delayed. It is in fact, the interest of the President of the United States that pushes the Potomac. He [Washington], by means of Jefferson, Madison, Carroll and others, urged the business, and, if we had not closed with these terms, a bargain would have been made for the temporary residence in New York." [1]

Next in the order of business, but as many of the legislators believed, far transcending the Residence Bill in importance, was that for the Assumption and Funding of the State debts. And here Charles Carroll also bore a leading part. Maclay as a good Democrat, and a conscientious opponent of Hamilton, upon whose report made in March the bill was based, took strong grounds against it in all its features. He was fully persuaded that the majority of those who supported it were bribed, and that the bargain had been "to give the Assumption of State debts for the residence." Maclay himself was approached more than once on this point, and told that if he would vote for the Assumption he might obtain the Federal city for the Susquehanna, a proposition he spurned with scorn. The vote on the bill was fourteen to twelve. Jefferson has recorded how he was duped into turning the scale, by securing Virginia's vote for the Assumption. The bill had been rejected in the House about the time of his arrival in New York:

"So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met

[1] *Ibid.*, p. 312.

and adjourned from day to day without doing anything, the parties being too much out of temper to do business together. The Eastern members particularly, who with Smith from South Carolina, were the principal gamblers in these scenes, threatened a secession and dissolution." [1]

Hamilton pointed out to Jefferson "the danger of the secession of their members, and the separation of the States," and Jefferson, who knew nothing of the circumstances, to "save the Union" agreed to invite a friend or two to dinner to discuss the subject. So two of the "Potomac members," White and Lee, over a bottle of wine, were induced to change their votes.

It was moved in the Senate, June 14th, "that provision shall be made the next session of Congress for loaning to the United States a sum not exceeding twenty-two millions of dollars," and on the 2d of July this resolution was referred to a committee consisting of Charles Carroll, Richard Henry Lee, Strong, Ellsworth, and Paterson.[2] Carroll brought in his report on the 12th, that the loan should be made "in certificates issued by the respective States for services or supplies towards the prosecution of the late war." Maclay was one of the committee on the original Funding bill, for funding the Federal debt, a committee which had been appointed June 11th, and reported on the 15th of June, and of the proceedings of the 2d of July he writes: "Ellsworth moved a commitment of the resolution with

[1] "Works of Thomas Jefferson," Congress Edition, vol. ix., p. 92.

[2] History of Congress, vol. i. Senate.

regard to the State debts. I saw we were taken unawares on this subject. They carried the commitment and the committee both against us. Carroll joined them." He writes again on the 12th:

"A number of us gathered in a knot and got on the subject of the assumption, the report of which had just been handed in by Mr. Carroll. It was in favor of it. And now from every appearance Hamilton has got his number made up. He wanted but one vote long ago. The flexible Read was bent for this purpose some time ago, and Carroll having joined to make up the defection of King. The mine is ready to be sprung. Since I am obliged to give up Carroll's political character, I am ready to say, 'Who is the just man that doeth right and sinneth not?'" [1]

On the 15th, Maclay continues:

"The Vice-President took up the Funding bill without any call for it. . . . I saw Carroll writing a ticket with a number of names on it, sand and put it by. In the meantime up rose Ellsworth, and moved that both the Funding bill and the resolutions for the assumption should be referred to a committee. . . . The Vice-President, who was to appearance in the secret, seemed impatient until I had done, and putting the question it was carried. . . . They carried the committee, all of their own number. This done, the Senate adjourned. Henry came and sat beside me a good while. He told me that Carroll wrote his ticket with the seven names (that being the number of the committee) before any business whatever was done. This I had observed in part myself. We did not need this demonstration to

[1] Journal of William Maclay, pp. 314, 322.

prove that the whole business was prearranged, nor can any person be now at a loss to discover that all three subjects—residence, assumption, and the funds equivalent to six per cent [Maclay had voted for four per cent] —were all bargained and contracted for on the principle of mutual accommodation for private interest."[1]

And Washington was, after all, at the bottom of the whole thing. Maclay concludes, the "best interests" of the people were "sacrificed to the vain whim of fixing Congress and a great commercial town (so opposite to the genius of the Southern planter) on the Potomac." These were severe animadversions upon his hero, Washington, and upon the upright and public-spirited Marylander, Charles Carroll of Carrollton. It was true, no doubt, that South Carolina and Massachusetts, having the largest State debts, wanted them assumed by the general government; that New York, Pennsylvania, and Maryland all had delegates in the House or Senate who were not opposed to the assumption, and would vote for it, perhaps, the more readily if they thereby secured a vote in return for the particular modification of the Residence Bill they favored. The objections to the Funding and Assumption Bill, the two separate measures having been amalgamated into one, were, in the eyes of the States Rights advocates, the approaches towards centralization the project involved.

Maclay believed that it lowered the power of the State; that it would complete "the pretext for seizing every resource of government and subject of

[1] *Ibid.*, pp. 327, 328.

taxation in the Union, so that even the civil list of the respective governments would have to depend on the Federal Treasury;" and he maintained also, that the large sum assumed, was intended to cover the speculations that had been made in the State debts. Virginia, through her Legislature, protested against the bill as unconstitutional, and oppressive, as it taxed the States unevenly, the citizens of those States which had paid their debt being forced to pay the debts of those States which were delinquent. And the fact became apparent, in due time, that the public debt had been increased unnecessarily to twenty-one million dollars, when eleven millons would have been amply sufficient.

The funding system, as against the plan hitherto pursued of compounding with public creditors, was opposed by Maclay upon "republican as well as economical principles." And he states the position of those who advocated it in the United States, in the course of his argument against what he thinks so detrimental to the Federal Republic. He says: "I deny the power as well as the justice of the present generation charging debts, more especially irredeemable ones, upon posterity; and I am convinced that they will one day negative the legacy." "But," he adds, "I will take gentlemen at their word, and believe that it is the glare of British grandeur, supposed to follow from her funds, that has influenced their conduct, and that their intentions are pure, wishing to render America great and happy by a similar system."[1] And whatever may be thought

[1] *Ibid.*, p. 337.

of some others, with these motives we may no doubt credit George Washington, and Charles Carroll of Carrollton.

The following letter, in Charles Carroll's handwriting, dated on Sunday, two days before the vote was taken on the "Consolidated Funding Bill," as Maclay calls it, was forwarded by the Maryland Senators to John Eager Howard, Governor of the State:

NEW YORK, July, 18, 1790.

SIR:

Almost all the States have appointed persons of ability and proper talents to superintend the settlement of their respective accounts with the United States, and to support the validity and justice of the charges contained in those accounts.

We submit to your Excellency and the Council the propriety of a similar appointment on behalf of our State, which may be the more necessary, should the State debts be assumed by the United States, of which event there is now a prospect, and even a probability.

We are with the highest respect,

Your Excellency's most obedient, humble servants,

J. HENRY.

CH. CARROLL OF CARROLLTON.[1]

The Creek Indians who had so long been a source of trouble to Georgia, consented to form a treaty with the United States, at this time, and their leader, Alexander McGillivray, with twenty-eight of the principal warriors of the tribe, came to New York in July, and were escorted into the city by

[1] Wisconsin Historical Society.

the Tammany Society, wearing their Indian costumes, the Creeks, no doubt, considering this a delicate compliment on the part of their entertainers. Charles Carroll was very probably with Washington and Jefferson at the public dinner given the Indians on the 2d of August by the Tammany sachems. The treaty was communicated to the Senate in executive session, by the President on the 7th of August, and the vote was taken to consent to its ratification five days later, when Charles Carroll was present, voting in the affirmative.[1] The public ratification took place on the 13th, in Federal Hall, in the presence of a large concourse of people, the Creek chiefs giving their assent, and accepting from the President the symbolical string of wampum, in token of the peace and amity so happily established.[2]

Maclay had left the city some time before, the last entry in his journal, for this session, being dated on the 22d of July. He had observed of the nascent political organization so well known at the present day, that the sons of St. Tammany paraded the streets in Indian dresses "the old 1st of May," May 12th, and adds: "There seems to be some kind of scheme laid of erecting some kind of order or society under this denomination, but it does not seem well digested as yet."

That Charles Carroll still maintained in 1790 as in 1775, his reputation for riches, and, also, that money was not plentiful in 1790, even with men of his

[1] Executive Journal, 1790.

[2] Griswold's "Republican Court," p. 224.

broad acres, is apparent from the following paragraph in a letter of Washington to Charles Carter, of Culpeper, the husband of Washington's niece, Bettie Lewis. The letter is dated September 14, 1790, and Washington tells of an effort he had made to borrow some money for Mr. Carter:

"I took an occasion to sound Mr. Carroll of Carrollton, as the most likely, being the most monied man I was acquainted with, but without success. He assured me that he could not collect the *interest* of the money that had been loaned by his father and himself, and his other resources were not *more* than adequate to his own occasions—thenceforward I made no further attempts not knowing, indeed, where to apply."[1]

The Maryland Senate met at Annapolis the first of November, and Charles Carroll on his arrival, November 12th, was made chairman of a committee to prepare a message to the House on the subject of revising the State Constitution, and he and John Henry were afterwards put on the joint committee appointed for this purpose. Charles Carroll was also, at this time, re-elected to the United States Senate. The question of giving Samuel Chase two hundred and fifty pounds for his services in defending the State of Maryland in the English Chancery suits, was discussed by the House and Senate at this session, the Senate opposing the appropriation. They finally yielded, but Charles Carroll of Carrollton and two other Senators recorded their votes in the negative. The sessions of the United States Senate, as has been said, were at this time held with

[1] Ford's "Writings of Washington," vol. xi., p. 492, note.

closed doors, and a resolution was now brought forward by the House of Delegates, "instructing the Senators of Maryland in Congress to use their endeavours to procure the admission of citizens of the United States to hear the debates of their house." At the second reading of this resolution, Carroll and Henry requested leave to withdraw. The proposition was then negatived by a unanimous vote.

On the 22d of December, the last day of the session, Charles Carroll brought in a bill relating to the bank stock in Maryland. The Governor and Council were to appoint one or more persons residing in London, to whom the State agent Samuel Chase was to pay the amount recovered, after receiving his commission. And the Governor and Council were to direct the above persons to sell and dispose of such bank stock, holding the monies received therefrom subject to the future orders of the Assembly.[1]

Congress met for its third session, December 6, 1790, this time at Philadelphia which was to be its temporary residence for ten years. John Henry attended on the 10th of January, 1791, Charles Carroll of Carrollton not appearing until the 21st.[2] The journal of William Maclay makes but one mention of Charles Carroll at this session, and that entry is in connection with the Residence Bill. The bill for the establishment of the United States Bank passed before Carroll arrived in the Senate. It was considered by Jefferson, Maclay and others of their

[1] Journal of the Maryland Senate.

[2] History of Congress, vol. i. Senate.

party, as the climax with the Excise Bill, of those objectionable measures inaugurated by the Funding and Assumption Bill. The journals of Congress show that at the second reading, February 3d, of the bill making appropriations for the support of the government for the year 1791, Dalton, Carroll, and Bassett were appointed a committee to prepare certain amendments. These were reported two days later and came up for consideration on the 7th, but were not agreed to, and the bill was passed without them.

On the 16th Mr. Carroll gave notice that to-morrow he intended to move for leave to bring in a bill, amending the "act for establishing the temporary and permanent seat of the government of the United States, pursuant to the plan suggested in the President's message of the 24th of January."[1] The purpose of this amendment was to bring Alexandria, Virginia, into the ten miles square. On the 18th, the bill, which had been read the day before was postponed "to this day sevennight," when it had its second reading. Maclay writes, February 18th, "Now Carroll's amendatory bill was called up. It was debated with temper, but a good deal of trifling discourse was had upon it. I had determined to say nothing upon the subject. I, however changed my mind." The purport of Maclay's remarks was, that the President had overstepped his province, that "he had done himself what should have been done by others under his direction." Our journalist says, February 23d: "And now came

[1] History of Congress, vol. i. Senate.

the Potomac amendatory act. A postponement was moved, but Langdon, Schuyler, Elmer, Morris, and Read voted against the postponement, and finally for the bill. This is astonishing indeed. It is plain the President has taught them." He thinks they were all bought; as to Read he had "heretofore known him to have been shaken by something else beside, the wind." Again, on the 26th there is the entry: "The third reading was given this day to the detestable bill of yesterday, and the last hand was put to the more detested excise law." [1]

Maclay was fully persuaded that this amendment to the Residence Bill was put there purely to further Washington's private interest, and that it would in some way work an injury to the Federal Government. In speaking of those public personages with whom he had become most unpopular, for opposing their favorite measures, he says: "I have drowned Jefferson's regards in the Potomac." Alexandrians and Virginians generally, found out later their mistake, and Washington's town was glad enough to return to its proud place as a part of the glorious Old Dominion, from whose jurisdiction it never should have been severed. A bill sent from the House of Representatives, for making compensation to widows and orphans of certain officers of the Revolution, and for the relief of certain invalided persons, was committed to Wingate, Strong, and Carroll, who made their report March 3d, when the matter was referred to the following session.[2]

[1] Journal of William Maclay, pp. 397, 401.

[2] History of Congress, vol. i. Senate.

Charles Carroll of Carrollton was in Annapolis, March 17, 1791, and was to go from this place to the "Furnace," the name he gives the Baltimore Iron Works, the 25th, to "continue there three or four days."[1] He wrote from Annapolis to Thomas Jefferson, early in April, in reply to a business communication from the latter, and makes interesting mention in his letter, of public affairs.

ANNAPOLIS, 10th April, 1791.

DEAR SIR :

I received the 8th instant your favor of the 4th, and yesterday morning I delivered to Mr. Brown your letter, and paid him the bank note of 97.06 Dollars, and took the receipt enclosed, which I hope will be satisfactory.

. . . . . .

I flatter myself Congress will during the next session adopt decisive and adequate measures for the encouragement and support of our navigation. Great Britain as it strikes me, is the only power which can rival us in the carrying trade, and the only one disposed to extend her own navigation on the depression of ours. In a matter, however, of so much consequence, by which the temporary interests of some of the States and the interests of leading individuals in all, may be affected, we cannot proceed with too much caution, for we ought not to hazard any measure we are not determined to go through with.

I am happy to hear that affairs in France are going on so well ; on the success of the Revolution in that country not only the happiness of France, but the rest of Europe, and perhaps our own depends. I wish sincerely freedom

[1] MS. Letter.

to all the nations of the earth : to France from education and gratitude, I feel a particular attachment. With such feelings, it is not surprising that I should view with anxious care the proceedings of the National Assembly. I own my doubts of a happy issue to their new system do not arise so much from the opposition of the dignified clergy and noblesse, as from the fear of disunion, the side views and factions combinations and cabals amongst the popular party. God send my apprehensions may be entirely groundless.

I am with real esteem and respect, Dear Sir,

Your affectionate humble servant,

CH. CARROLL OF CARROLLTON.[1]

Though Congress met in October, Charles Carroll did not make his appearance there until after the session of the Maryland Legislature, leaving John Henry to represent the State in the Senate of the United States, at this time, while he served Maryland in the Senate of her Assembly. The latter met as usual, in November, and George Plater was elected Governor of the State. Charles Carroll of Carrollton was placed immediately on two important committees, one to draw up a bill for the relief of insolvent debtors, the other to prepare a law respecting certain regulations for the new city of Washington. When the bill for the relief of Samuel Sterett was read a second time, November 24th, both George Dent and Charles Carroll spoke against it, each one having his written protest recorded in the Senate journal. That of Charles Carroll entered in the minutes, Saturday, November 26th, is as follows :

[1] Department of State, Jefferson Papers, 2d. Series, vol. xv., p. 54.

"*Dissentient:* Because if the power remains with this Legislature to pass an act for giving relief to the individual in this case, it has a power to pass a general law relieving every individual within its jurisdiction similarly circumstanced, and it is more consistent with the spirit of genuine legislation, and with that impartiality likely to obtain in laws framed upon general principles, extending indiscriminate relief to all complying with the provisions of such laws, than in a private act made to fit the case of an individual, whose person is known, whose friends in the Legislature are apt to sympathize with his misfortunes, and in private commiseration, or private motives, lose sight of general utility.

Because notice of the intended application has not been given according to the rule laid down by the Legislature in such cases, a rule never yet violated but in a single instance, and founded upon this obvious principle of justice, that where the interests of many may be affected, these should have an opportunity of making known their objections to the relief prayed for.

Because it is conceived, that the Legislature has not, in the present case, the power of granting the solicited relief. The applicant is confessedly a trader, and as such the proper object of a bankrupt law. Has this Legislature a constitutional right to pass laws with respect to bankrupts, since its ratification of the General Government? This right is assumed by those who are for granting relief to the petitioner. An examination of the reasons in support of the right, will best discover whether it exists or not.

Although the Congress may make uniform laws on the subject of bankruptcies throughout the United States, it is alleged that the individual States retain the power to make bankrupt laws until that power shall be exercised

by Congress ; the allegation is attempted to be supported by the 10th section of the Form of Government, laying restrictions on the respective States, and enumerating what powers they shall not exercise. The inference drawn that the several States have a right to exercise all the powers from the exercise of which they are not expressly restrained by the 10th section, proves too much, and would subvert, if admitted in practice, the very ends for which the General Government was framed. Among many powers given to Congress, which the particular States are not expressly restricted from exercising, are these, to regulate the value of foreign coin, and fix the standard of weights and measures ; to establish post-offices and post-roads ; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations. If, in all these instances, the individual States may exert similar powers, because not restricted by the 10th section, they may make similar laws with those of Congress, or different on the same subject. If similar they are unnecessary, if dissimilar and obligatory, dissonance and confusion would ensue. The inference then, that the several States may exercise concurrently with Congress, all the powers delegated to that body, from the exercise of which they are not expressly excluded by the 10th section, is inadmissible in the extent contended for, since the practice, in conformity with such theory, would inevitably introduce dissentions between the general and particular governments of the States, and would as certainly terminate in the most fatal consequences to the American nations.

Should it be argued, that although the power is given to Congress to establish uniform laws on the subject of bankruptcies, the power may never be exercised, or exercised in a limited degree, the answer is obvious, if much

inconvenience should be felt from the suspension of the power, its exercise might be pressed upon Congress by petition and remonstrance, and there is no reason to suppose that either mode would fail of success. If Congress should deem it expedient to confine the operation of the general law to bankrupts whose debts amount to a sum specified in the law, leaving the States to provide for cases under that sum, it is precipitate (to say the least) to usurp a power before we know whether it will be relinquished by Congress, and, if relinquished, what part of it will be entrusted to the respective States.

Of some of the powers imparted to Congress, it is true, each State retains the exercise, but, in all cases where the States and Congress may exercise the same powers, they must be exercised on different objects, or if on the same, for different purposes. Thus, for instance, Congress may establish post-offices and post-roads, so may the States, but not in the same places; Congress may fix the standard of weights and measures, this power has not yet been exercised, but the laws respecting this matter, or the usage equivalent to law of the several States, remain in force, wherefore it is concluded that the States may pass laws, if none exist at present, particular or general, on the subject of bankruptcies. The conclusion is not warranted by the premises; the logical inference is this, therefore, where the States had subsisting bankrupt laws previous to the ratification of the General Government, these remain in force, yet whether such laws are now in force is very questionable; the difference between the objects of them, not only as to their importance, but tendency, must be obvious. Without some regulation of coin, of weights and of roads, the whole business of society would be at a stand; that the existing regulations of these matters should continue until

new regulations are made by Congress, seems rather to arise from an indispensable necessity, than from expediency, from choice, or from right, nor can the continuance of such regulations endanger the tranquility of the United States, or involve them in contests with foreign nations.

Are the subsisting bankrupt laws, if any do exist in force, equally necessary? Cannot the business of society go on (for a time at least) without such laws? If those heretofore passed, or which may hereafter be passed, in the several States, are injurious and partial, if they encourage frauds, may not the public harmony be interrupted? May not the Confederacy be embroiled with foreign powers, or the credit of the country be deeply affected? To prevent these mischiefs, the power of making such laws (in future at least) was parted with by the several States, without any express reservation or admissible implication, that the powers should remain with each until exercised by the whole in Congress assembled.

Admitting the power of the Legislature to give relief to the petitioner, to be only doubtful, the commitment of the bill for amendments, in order to take the chance of its passage through this house, is improper; for the expeditious relief of one person is not of sufficient importance to warrant the assumption of a questionable power, to arrest the process of the Federal Court, and precipitately exempt his case from the operation of a general law, which all admit Congress has the power to make, and which there is cause to presume will be made during its present session.

CHARLES CARROLL OF CARROLLTON."[1]

The contention made here that the power of making bankrupt laws "was parted with by the several

[1] Journal of the Maryland Senate.

States, without any express reservation or admissible implication, that the powers should remain with each until exercised by the whole in Congress assembled," has proved to have been an erroneous interpretation of the Federal compact. While Congress has power to "establish a uniform system of bankruptcy" and when such a law is passed it overrides and puts in abeyance the State laws on that subject, yet Congress does not always exercise this power, and then State laws are made in place of the Federal law. A State insolvent law passed in Maryland many years ago, was superseded soon after the late war by a bankruptcy law passed by Congress. This law, however, was repealed, and thereupon the old State law at once became operative again and is now in force, (1897.)

It will be observed that the Federalists of 1791, as represented by Charles Carroll of Carrollton, had very clear views as to the Federal nature of the United States government, as the "general governments" of the States in contradistinction to the "particular governments" of the "American nations." Carroll calls it a "Confederacy" and speaks of certain regulations as not likely to "endanger the tranquillity of the United States, or [to] involve *them* in contests with foreign nations." The very name "Federalists" was a protest against consolidation and the theory of nationality. And but for their assertion of these doctrines by the Federalists of 1787, no "Union" could have been effected, other than that which held the States together under the Articles of Confederation. The first ten amend-

ments to the Constitution, those important guarantees of liberty, closing with the declaration of the reserved powers of the respective States, and of the ultimate sovereignty of the people of the respective States, were proposed in 1789, and adopted in this year, 1791.

Instructions were given to Charles Carroll of Carrollton and John Henry, at this time, to advocate in Congress, public sessions of the Senate. But the address of the House of Delegates, on this subject, was rejected, and a shorter one adopted. The House of Delegates had entered more fully into the reasons for deliberating with open doors, and spoke of the advantages that resulted from the observance of this rule in the House of Representatives, when the press were enabled to furnish "all parts of the Confederacy with an ample idea of the capacity and conduct of their immediate representatives." The Maryland Senate altered the instructions, so as to read as follows: "The Legislature of Maryland, impressed with the propriety of opening the doors of [the Senate], recommend to your attention and exertions the attainment of this object, which they consider as a matter of importance." A bill was passed at this session, empowering the State to purchase a lot, or lots, in the city of Washington, adjoining the square appropriated for the residence of the President of the United States, "sufficient for a house with suitable garden and improvements" to be presented to General Lafayette, by Maryland, to express this State's sense of his services during the Revolution.[1]

[1] *Ibid.*

As soon as possible after the adjournment of the Assembly, December 30th, Charles Carroll repaired to his seat in Congress, arriving there January 6th, 1792. A message was received from the President on the 5th of March, inclosing a translation of a letter received from the unfortunate Louis XVI., dated September 19, 1791, in which this monarch writes to his "very dear, Great Friends and Allies" telling of his acceptance of the Constitution from the National Assembly. The Senate sent a reply, expressing their satisfaction, and the hope that it "may establish on a solid basis, the freedom and prosperity of the French nation, and the happiness and glory of the Monarch presiding over it." The motion, brought forward and seconded by the Virginia Senators, James Monroe and Richard Henry Lee, that the doors of the Senate Chamber remain open, except in executive session, was defeated. Charles Carroll, faithful to his instructions, voted for it, while John Henry voted against it on his own responsibility. Carroll was put on two or three committees as the records show, but as Maclay was no longer present to take notes of the debates, but a meagre chronicle of the proceedings has come down to us. It was the first session of the second Congress, and the last one in which Charles Carroll was to serve.[1]

We find the Roman Catholics of America interesting themselves, at this time, in the subject of the missions to the Indians of the United States; and through Charles Carroll of Carrollton and his cousin

[1] History of Congress, vol. i. Senate.

the Rt. Rev. John Carroll now "Archbishop of the Roman Catholic Church in the United States," seeking to further their benevolent purpose by the co-operation of the Executive. Washington wrote to the Archbishop, from Philadelphia, April 10th, saying he had received and considered his memorial, but that the war going on then with some of the tribes of the Western Indians prevented any efforts of such a peaceable nature in that quarter; while the Five Nations were already under the superintendence of a religious instructor. The Eastern Indians, he believed, were considered a part of the inhabitants of Massachusetts, and any application to teach them must be made to that State.[1] Letters on this subject of Indian missions had been submitted to General Washington by Charles Carroll, probably while the latter was in Congress.

While Jefferson and Maclay considered Hamilton and other Federalists were striving to introduce centralizing measures into the new government, and were thus foes to true liberty, Carroll and his allies returned the bad opinion of their opponents, for reasons of a contrary nature, professing to think that the Antifederalists were not "the friends of stability." A "stable" government was the aim of all alike no doubt, but the tendency of Federalism was to put "Union" before liberty, while the Democrats then and always have placed the sovereignty of the State and the liberty of the individual first, as the objects of government, and the "Union" second, as the means to these ends.

[1] Sparks's "Writings of Washington," vol. x., p. 228.

Charles Carroll wrote to Alexander Hamilton from Annapolis in October 1792, expressing freely his views on the political situation. Hamilton had written to Carroll, September 23d, but this letter is not in Hamilton's published works, and one can only guess at the name of the leading Antifederalist there mentioned.

ANNAPOLIS, 22d October, 1792.

DEAR SIR :

I received on the 7th instant, your favor of the 23d, past. I have delayed thus long answering it with a hope that I might discover whether the Antifederal party in the State had in view the person referred to in your letter. I suspect a communication of sentiments is maintained by the leaders of this party throughout the United States ; however I have not heard his name even whispered. His character I could not well see through during the time we were together. I noticed a disposition to perplex and puzzle, which left an unavorable impression on my mind. He appeared to me not to want talents, but judgment and steadiness ; and I suspect he possesses of ambition a *quantum sufficit* for any man.

I hope the friends of stability, in other words, the *real* friends of liberty and their country, will unite to counteract the schemes of men, who have uniformly manifested a hostile temper to the present government ; the adoption of which has rescued these States from that debility and confusion and those horrors which unhappy France has experienced of late, and may still labor under. I beg my respects to Mrs. Hamilton, and remain with sentiments of respect and regard, Dear Sir,

Your most obedient humble servant,

CHARLES CARROLL OF CARROLLTON.[1]

[1] Hamilton's "Works of Alexander Hamilton," vol. v., p. 537.

The Maryland Senate met November 5th, and the most important matters brought before it were the questions of relief for insolvent debtors, and the provisions for the regulation of the militia. On the latter point the House and Senate could not agree. Charles Carroll of Carrollton brought in an act at this time "for securing certain estates and property for the support and uses of ministers of the Roman Catholic religion." A law was passed at this session declaring members of Congress, or persons holding office under the United States government ineligible as members of the Maryland Legislature or Council. This action forced Charles Carroll to lose his seat in the United States Senate if he would remain in the Senate of Maryland. And accordingly he sent in his resignation from the former body, and Richard Potts was elected to fill the place for the remainder of Carroll's term. The State Legislature was preferred by Charles Carroll to the United State Congress, as he had formerly left the Continental Congress to devote himself to the work of the Maryland Senate.

On the 15th of December the Senate replied to a message from the House of Delegates relating to their militia bill; objecting "to the provision obliging the whole of the militia of the State to exercise four times in each year," to "some of the fines as being too heavy," and to the requirement of "immediately officering the whole militia, as thereby men of talent may be excluded from a seat in the Legislature, without a prospect of correspondent advantage." A conference was proposed between

the two Houses, and James Hollyday, Charles Carroll of Carrollton, and James McHenry were appointed the Senate committee. The conferrees could not agree, and the bill was committed to the three gentlemen above-mentioned for amendments. The House of Delegates sent an address to the Maryland Senators in Congress, expressing their regret at the failure of the motion "to open the doors of their House" [the United States Senate]. They considered that "Mystery is the garb of tyranny."

The House returned to the Senate, December 21st, the bill for the relief of insolvent debtors, expressing the wish that the Senate would assent to it, as "many of them must otherwise remain immersed in gaol." The Senate resolved to reconsider the bill, Charles Carroll alone voting in the negative. When the vote was taken to pass the bill as amended by the House, six were in favor and four against it, Charles Carroll of Carrollton and John Eager Howard giving two of the negatives votes. In regard to the Dutch loan, the Treasurer of the Western Shore was instructed by the House of Delegates to "pay to Samuel Sterett, agent of Messrs. Van Staphorst, the sum of one hundred and fifty pounds, on the order of Charles Carroll of Carrollton, one of the Commissioners of the State, which is in full discharge of all claims and demands for interest on the aforesaid loan."[1] Charles Carroll and John Eager Howard were appointed a committee to answer the message from the House on the Militia Bill, and this reply was delivered to the

[1] Journal of the Maryland Senate.

House, December 21st, by Carroll, who no doubt penned it. It is as follows:

"Gentlemen: We lament that you have rejected our amendments to the militia bill, and that you have returned it, at this late period of the session, for consideration, without assigning any reasons for your rejection of them.

We cannot recede from the amendments you have rejected, because the modification proposed, we think, is a substantial compliance with the act of Congress, and not liable to the many evil consequences that would result from training, at the same time, all persons enrolled between eighteen and forty-five years of age. On a moderate calculation, the persons to be enrolled, (and not permanently exempted by the act of Congress, and our own amendments to your bill, from militia duty), will amount to thirty thousand, the daily labor of each of whom may be fairly rated, on an average, at half a crown; the four days training, enjoined by the bill, would, on this calculation, amount to fifteen thousand pounds; a serious loss to the community at large, but more so to the persons immediately sustaining it.

The supposition is highly probable, that there are not firearms in the State more than sufficient to arm seven thousand men, the number which the division we propose to train during the first three years would nearly amount to.

No exigency, we apprehend, can suddenly arise, which would authorize the President of the United States to call on this State for a greater number of militia than four thousand; yet, should such exigency unexpectedly happen, our amendments provide for it.

The selection prescribed by those amendments will be

a considerable saving to the State, and great ease to the people. It must be admitted that four days exercise throughout the year will not give the militia even a tincture of military discipline ; but when embodied and officered (should they be called into actual service) the habits and duties of a soldier will be best acquired and learnt by the practice of the field, and of real warfare. The principal object Congress had in view (as appears to us) was to have the fencibles so arranged, that if the peace of the society should be endangered or attacked by external or internal enemies, a force might be ready for its defence, and so organized as to be able to march on due notice of the danger or attack.

If this was the intention of Congress, it will be better executed by our plan than by the one your bill has adopted. The bill, however, as amended, you may perhaps think is not a compliance with the law of the United States ; for every salutary purpose, the preceding reasons prove, in our opinion, that the bill, if framed in conformity to our amendments would be a real compliance with the principal design of the Federal Legislature ; but there are not wanting arguments to show, that so amended, it would be a literal compliance. It is observable, that a discretionary power, in some respects indefinite, is left by the act of Congress to the State Legislatures. We may fairly presume, that not only permanent exemptions were intended by the second section of that act, but temporary exemptions also, should the respective States deem it convenient, or conducive to their interests to make such. The words of the law are comprehensive enough to include exemptions of the latter description, 'all persons who now are, or may hereafter be exempted by the laws of the respective States, shall be and are hereby exempted from military

duty, notwithstanding their being above the age of eighteen and under the age of forty-five years.' Could words more comprehensive be made use of? All persons, says the act, may be exempted from militia duty by the respective States. In virtue of this discretion left with the States, they may exempt entire bodies of men from militia duty; for instance if the Legislature had thought fit it might surely, under this power, without requiring an equivalent in money in lieu of personal service, have exempted all persons conscientiously scrupulous of bearing arms; this inference you will not deny, but may, perhaps, contend that these exemptions can be construed to relate only to such as are permanent. This construction is not warranted even by the letter of the law, much less by its spirit; for the words permanent exemptions are not to be found, as placed in opposition to, or as contradistinguished from temporary exemptions.

The amendments impose the obligation of enrolling all free, white, male inhabitants mentioned in the act of Congress, (except such as by that act and our amendments are excepted;) but they suspend for a term of years the performance of militia duty by those who may not be selected to compose the division subjected to that duty for the first term of three years. Why, it may be asked, should we have the power to exempt permanently from militia duty an entire class or classes of men within the prescribed age, and not have the lesser power to exempt them for a time only from that duty? Can a reasonable solution be given to this question? Every reason of policy, convenience and economy, make in favor of the lesser power; the Constitution of the United States, paramount to all laws of Congress, justifies, in this case, the assumption and exercise of the lesser power. By that Constitution, Congress is to provide for organiz-

ing, arming and disciplining, the militia, and for the government of such part of them as may be employed in the service of the United States ; but the appointment of the officers, and the authority of training the militia, are reserved to the respective States ; wherefore these States are at liberty to train their militia often or seldom, a part or the whole, one part during one period of years, and another part during another period, these being only different modifications of the authority reserved to the States. To assert, that the States have not the power to exempt from militia duty for a time only (where not called into the service of the United States) a part of their militia, and to admit that they have the right expressly recognized by the Federal Constitution, to exercise the militia under the modifications just mentioned is such a contradiction as not to be reconciled in any other manner than by the construction we have put on the act of Congress, a construction which reconciles that act with the power delegated, which abundantly provides (as far as numbers are concerned) for the protection of the United States, and of each individual State, and unites two important political objects, economy and safety.

Induced by the above reasons, and others which we have not time to enumerate and enforce, we adhere to our amendments ; our adherence cannot possibly injure the United States, and will greatly benefit our own. We therefore return the bill for your further consideration, not doubting but that you will adopt the amendments we have made to it, and that you will prefer having a militia law upon the plan those amendments hold out, to breaking up without carrying into effect the act of Congress, and leaving the State entirely destitute of a militia until the next annual session." [1]

[1] *Ibid.*

The address of the House of Delegates to John Henry and Richard Potts relative to open sessions of the United States Senate, was not approved of by the Maryland Senate, and they substituted a brief resolution in its place. But the House was not satisfied with the guarded and lukewarm language of the Senate, and they were justly indignant with Henry for disregarding his instructions. They sent up to the Senate, accordingly, these decided resolutions of censure:

"*Resolved:* That it is the opinion of this General Assembly, that we are the immediate constituents of the Senators representing this State in the Senate of the United States, and that as such, we have the undoubted right of instructing them whenever we shall think necessary.

Resolved: That we do disapprove of the conduct of one of our Senators aforesaid, in acting in direct opposition to our instructions given at November session, 1791.

Resolved: That it is the opinion of this General Assembly that the opening of the doors of the Senate of the United States, when sitting in their legislative capacity, will greatly promote that confidence in the measures of the general government so essential to the prosperity of the Union.

Resolved: That it is the opinion of this General Assembly, that every exertion ought to be made by our Senators aforesaid, at the present session, to obtain this desirable object.

Resolved: That the Hon. the President of the Senate and Speaker of the House of Delegates be, and they are hereby, requested to transmit a copy of these resolves to the Hon. J. Henry and Rd. Potts."[1]

[1] *Ibid.*

Messages on the subject of the Militia Bill went back and forth between the House and Senate, and finally the latter, on the 23d of December announced their ultimatum, that they had rejected the latest House amendment, "to enumerate the fencible inhabitants of this State, as involving the question upon which the two branches have differed, and not being agreeable to the law of Congress," and were ready to close the session. The House responded in terse and determined language: "May it please your Honors: We are ready to close the session, and will meet your Honors immediately for that purpose. The journals of the House will satisfy our constituents whether we were for carrying the acts of Congress into execution or not."[1]

An interesting account of this session of the Maryland Assembly is given by Charles Carroll, in letters to his friend, and recent colleague in Congress, John Henry. It is to be regretted that Henry's letters in reply, containing doubtless much about the proceedings in the United States Senate at this time, have not been preserved.

ANNAPOLIS, 3rd December, 1792.

DEAR SIR:

Last Friday, the law disqualifying members of Congress from holding seats in our Legislature, &c, passed the Senate, myself and Mr. Worthington only voting in the negative. On the same day I resigned my seat in the Senate of the United States. To-morrow my successor will be appointed—three persons are mentioned, Mr. Potts, James McHenry and Col. Stone. Thus I have

[1] *Ibid.*

got rid of a trust which I really accepted with reluctance and which, I assure you, hung heavy on my mind. I was mindful of the advice of Horace—

> *Solve senescentem mature sanus equum,*
> *Ne peccet ad extremum ridendus, et*
> *Ilia ducat.*

Our electors of the President and Vice-President are chosen ; Hanson, J. E. Howard, Thomas S. Lee, Potts, Sam Hughes, Richardson, Ja. Seney, (two names illegible). I forget the other two. It is said they will all vote in favor of Mr. Jno. Adams. I should be sorry to see that gentleman not chosen Vice-President. He was a patriot in the worst of times and has rendered his country signal services. He has not merited such a slight from his countrymen, as some are endeavoring, I fear, to throw upon him. The H. of D. has rejected a militia Bill originated in the Senate, the exact counterpart of the act of Congress, and every bit as harmless. We went a great way in our exemptions, for we exempted $\frac{1}{3}$ of the militia from mustering—our Bill hinted at a rotatory militia, in which I think it was better than that of Congress, if between two very bad things, one may be held to be better than the other.

How goes on the enquiry into the failure of the expedition against the Indians ? Is the Secretary of the Treasury as much the subject of debate and conversation as during the last session ? I believe our session will be protracted till near Xmas ; we shall spend between seven and eight thousand pounds, and not do a sixpence worth of good. Another insolvent debtors Bill—will the matter be taken up by Congress ? We shall have another Assessment Law—this is necessary from the great change of property since the last assessment. Its principle, I

am ignorant of, neither do I know whether a tax will be imposed. I believe I mentioned in my former letter, that we (Johnson, Forrest and myself) had settled the Van Chapports, [Van Staphorsts ?] claim.

If anything new and interesting turns up, drop me a line or two. Though not a player myself, I shall find myself in the game that is played.

With regard and respect, I remain Dr. Sir,
Your most humble servant

CH. CARROLL OF CARROLLTON.

To Hbl. John Henry, Esq., in Congress, Philadelphia.[1]

ANNAPOLIS, 16th December, 1792.

DEAR SIR :

I received the 14th instant last your favor of the 11th. Since my last we have received from the H. of D. the militia and assessment bill ; the latter does not lay any rate, only directs the mode of valuing property, appoints commissioners etc. The former, the Militia bill we shall not pass in its present form ; it subjects the whole of the fencible men between 18 and 45 years of age, amounting at least to 30,000 to muster four times a year in companies, battalions and regiments. We propose to enroll in conformity to the Act of Congress all fencibles between 18 and 45 years of age, but then to direct the Governor and Council only to muster 300 four times a year, a part of these (about five thousand) when so enrolled. I think the Act of Congress may be so construed as to suffer us to throw in such a clause into our Militia bill. Rest assured the mustering so large a body of men as those will amount to between 18 and 45 years of age, throughout the

[1] "Memoir of John Henry, By one of His Grandsons" [Daniel Maynadier Henry], p. 16, February, 1887.

United States will be a very serious evil and felt as such when we come to experience the consequences which will inevitably arise from such large assemblages of men ; and waste of time and drunkenness will be the least pernicious of these consequences.

I fear, as you do, that our State will be found greatly behind on a settlement of accounts ; this fear always inclined me to assume the State debts, as reported by the Secretary, and to have no settlement. I am confident you will be pleased with Mr. Potts on a better acquaintance, and the good opinion you now entertain of him will be increased in proportion to your personal knowledge of his character. Please to inform me, as soon as you can, what alterations of the judicial system are in contemplation, I have heard it rumored that the State judges are to be made judges of the United States, within the jurisdiction or boundaries of each State, and the Supreme Court to be sedentary at the seat of Congress. Such a system will never answer. Our Constitution militates against such an arrangement. By the 30th section of our Declaration of Rights it is provided, no chancellor or judge ought to hold any other office civil or military, or receive perquisites of any kind. Is not the office of judge of the United State another office, and distinct from that of judge of this State ? Again section 32 of the Declaration of Rights says, no person ought to hold at the same time more than one office of profit, nor ought any person etc. Supposing an ingenious or prostitute lawyer could quibble away these sections, so as to perplex and render doubtful what to common sense is plain and obvious, our late law, which is now become a part of our Constitution, puts the thing beyond all dispute. No person holding an office under the United States can now hold an office under the State, so that the acceptance of judge of the

United States would vacate the commission of the office of judge of this State.

It gives me pleasure to hear that Mr. Adams will be elected Vice-President by a considerable majority. I beg my respects to that gentleman. We have served together in hard times, and I set a great value on his services, and I feel a sincere regard for all who stood firm in the most dangerous and critical situation of our affairs. When I think of those times the line of Virgil always occurs to me :

Forsan et haec olim meminisse juvabit.

I forgot to send to the post-office last night to see whether there were any letters from you. I am afraid this will be too late for this day's boat, however I shall send it to the post-office.

With sentiments of respect and regard I am, Dear Sir,

Your most humble servant

CH. CARROLL OF CARROLLTON.[1]

ANNAPOLIS, 23rd December, 1792.

DEAR SIR :

Our Assembly rose this afternoon ; by the printed list of laws passed this session and enclosed, you will be able to form some judgment how we have been employed for these seven or eight weeks. The two houses could not agree upon a militia law, so nothing is done in that business. The H. of Delegates wanted all fencibles between 18 and 45 years of age to be enrolled and officered. This appeared to the Senate unnecessary and mischievous.

This morning we sent them a short bill empowering the assessors to take and return lists of the free, white,

[1] MS : Letter, owned by Mr. J. Winfield Henry of Baltimore.

male citizens between 18 and 45 years to the commissioners of the tax, who were to send these lists to the Governor and Council to be laid before the Assembly at the next annual session. To this the other house would not consent, although the very thing was prescribed by this Militia Bill, unless we would adopt a proposed amendment empowering the Governor and Council to officer the persons so listed. A rage to be Major-Generals, Brigadiers, Colonels etc., etc., was, I believe, the lone motive and at the bottom of this seeming earnest desire to comply most *literally* with the Act of Congress. Never in my judgment did a body of wise men pass so mischievous an act, as the Militia law of Congress; experience and time will discover the truth of this assertion. To a man of sense and foresight it is needless to adduce arguments to prove it. Although we have passed a law for the valuation of property, we have laid no tax. We have passed a law giving the Chancellor, *for all service, i.e,* as Chancellor and Judge of the Land Office, a permanent salary of £950. The law imposes certain fees on proceedings in Chancery and Land Office, as will produce, it is thought, a sum at least equal to the salary; should there be a deficiency it is to be made up out of the aggregate revenue.

The House of Delegates was very strenuous for instructions to our Senators for opening the doors of your Senate; these instructions or resolutions being *personal* in some degree, and containing some very questionable positions, were rejected by the Senate; so that you will have no instructions on the point from this recent House of Delegates. Your letter of the 16th instant I received the 23rd, with the newspaper containing an account of the retreat of the Duke of Brunswick, and the rodomontade

letter of Dumouriez to Servan. Thus the anarchy of France will subsist some months longer. I am as strong a friend to a free Government as any one ; but I am confident no *real* feedom can be enjoyed in France under the existing system ; a democratical Assembly consisting of seven or eight hundred members, without any *control*, and without the most vigorous executive, must produce a worst despotism than that of Turkey.

I hope the Secretary's plan for the reduction of the debt, or something like it, will be adopted ; but I perceive there is a party opposed to the *means*, who wish, or pretend to wish, the accomplishment of the desired object. If you can send me the Secretary's report on that subject by some safe, private conveyance, you will oblige me. The newspapers I do not get regularly, and when I do, I can't keep them. Thus I have only a part of the report in one newspaper, and part in another ; the one is lost before the other gets to hand. I wish to have the report altogether in *one* publication and in a *good* print.

What has been done, or is doing with respect to the proposed alterations of the Federal Judiciary? What alterations of the present system are in contemplation? I requested you to answer a similar question in a former letter which I presume has escaped your memory. Do you lodge at Mrs. Houses? If you do and the same lodgers compose your mess as last year, please to present my respects and remembrance to them. Mercer, told me that Giles and some of my old acquaintances agreed with him, that if I possessed only £20,000 I should be a Jacobite. Perhaps was I worth *nothing* I might affect to adopt their principles, and imitate their conduct, with the hope of getting *something*.

I wish you health and the compliments of the season, and remain with regard and respect, Dear Sir,

Your most humble servant

CH. CARROLL OF CARROLLTON.[1]

[1] MS: Letter owned by G. W. Varnum, M.D., Coronado, California.

CHAPTER VI.

A MARYLAND FEDERALIST.

1793–1799.

PRESIDENT WASHINGTON wishing to show his appreciation of Charles Carroll's services, took the earliest opportunity after the latter's retirement from Congress to nominate him one of three Commissoners to treat with the Western Indians, writing to him on the subject from Philadelphia, January 23, 1793:

DEAR SIR:

The Western Indians having proposed to us a conference at Anglaise, not far distant from Detroit, in the ensuing spring, I am now about to proceed to nominate three Commissioners to meet and treat with them on the subject of peace. What may be the issue of the conference it is difficult to foresee, but it is extremely essential, that, whatever it be, it should carry with it the perfect confidence of our citizens, that every endeavour has been used to obtain peace, which their interests would permit. For this reason it is necessary, that characters be appointed, who are known to our citizens for their talents

and integrity, and whose situation in life places them clear of every suspicion of a wish to prolong the war ; or say, rather, whose interest in common with that of their country is clearly to produce peace. Characters uniting these desiderata do not abound. Some of them too are in offices inconsistent with the appointment now in question, and others under impediments of health or other circumstances, so as to circumscribe the choice within a small circle. Desirous in the first instance, that you should be in this Commission, I have mentioned these difficulties to show you, in the event of your declining, how serious they are, and to induce you to come forward and perform this important service to your country, a service with which its prosperity and tranquillity are intimately connected.

It will be necessary to set out from this place about the first of May. The route will be by the North River and Niagara. It will be safe, and the measures for your comfortable transportation and subsistence will be taken as effectually as circumstances will admit. Will you then permit me, Sir, to nominate you as one of the Commissioners, with a certain reliance on your acceptance? Your answer to this by the first post will oblige

Dear Sir, etc.

G. Washington.[1]

To this letter Charles Carroll replied promptly, expressing his regret at being obliged to decline the appointment:

Annapolis, 28th January, 1793.

Dear Sir :

I received the 25th instant, late in the evening your letter of the 23rd. Early in the morning of the 26th the post left this place, so that I had not sufficient time to

[1] Sparks's "Writings of Washington," vol. x., p. 313.

make up my mind respecting the acceptance or refusal of the commission mentioned in your letter, nor to inform you by last Saturday's post of my determination.

I have seriously weighed the reasons urged to induce me to accept the trust. I feel their force, and am sensible that the number of citizens, from which characters in every respect proper for the intended negotiation can be selected, is unfortunately too circumscribed. No one more ardently wishes than I do, for peace with the hostile tribes, upon terms not dishonorable to our country. My time I would cheerfully give, and I would endeavour to exert what talents I may possess, and should be extremely happy in being instrumental in accomplishing an object of such importance to the United States. But the length and unavoidable difficulties of the journey deter me from undertaking it. The infirmities of age are coming fast upon me. I do not think I could endure the fatigue of so long a journey, part of it through the wilderness, without imminent danger to my health. I am very liable to take cold in changing of my lodgings, and I never get cold without affecting my breast, and leaving a troublesome cough which I seldom shake off for a month or two afterwards. The anxiety too of mind I should experience from the responsibility of the station and dread of not answering yours and the public expectation and wishes would also greatly contribute to derange my health and really might disqualify me for the business. I hope these reasons which I have candidly assigned, will justify me, my dear sir, in your opinion for declining the commission with which you wish to honor me.

I am with sentiments of the highest esteem and regard, dear sir, Your affectionate and most humble servant

CHARLES CARROLL OF CARROLLTON.[1]

[1] MS: Letter. Collection of Dr. Emmett.

The two youngest children of Charles Carroll of Carrolton, Charles and Catherine, then respectively nineteen and sixteen years of age, returned from Europe in the fall of 1794. The perils of the sea, at this time, were increased by the dangers of capture, incident to the war between France and England. And Charles Carroll in writing of the arrival of his son and daughter, to Mr. Joshua Johnson in London from whose house they had sailed, tells of their adventure with a French privateer.

"DOUGHERAGEN, 8th October, 1794.

"DEAR SIR:

"My son and daughter reached this place in good health on the 26th past. The vessel on which they took their passage from London was captured at some distance from this coast by the French privateer *Sans Pareil*, who was proceeding to the West Indies with her prize, when luckily they fell in with the snow *Pallas* bound to Keneboenk in Massachusetts. The privateer compelled the captain of the *Pallas* to take the passengers and crew on board, and for 30 guineas landed them in Boston." [1]

Among the French royalist refugees in America in these years, was the Rev. Mr. Perigny, a doctor of the Sorbonne, who was invited to reside at the Manor by Charles Carroll, and officiate there as chaplain. When the first public library was organized in Baltimore in 1795, Bishop Carroll was prominent as one of its patrons, and Charles Carroll of Carrollton was a member. Mons. de Perigny was made the first librarian, and a number of receipts for

[1] Family papers, Rev. Thomas Sim Lee.

the annual dues of the "Library Company" are extant, signed "Geo. de Perigny." Many of the books of this early "Library Company" are now in posession of the Maryland Historical Society. In purchasing material, about this time, for clothing his servants, Charles Carroll of Carrollton wrote to a merchant in Richmond, Virginia, ordering "fifteen hundred ells of country linen for shirting negroes, of the width and quality of the best German osnabrigs." He adds that he "will annually want the above quantity, and the ready money will always be paid"; and he manifests his patriotic desire to encourage home industries by declaring that he "would wish to give the preference to American linen, if in quality equal and in price not superior to German osnabrigs."[1]

Feeling ran high in the United States in 1794–1795, between the parties opposed to and in sympathy with the French Revolution. And from France came the title "Democrat," now first used to designate the Antifederalist or "Federal Republican." An Englishman traveling in America in 1794, names, with Washington and Hamilton, among the Federalists leaders, the two Marylanders William Vans Murray and William Smith.[2] But he should have included Charles Carroll of Carrollton, the friend and correspondent of both Hamilton and Washington. Carroll's sympathies were all with royalist France, after the execution of the King, and with England as against the Jacobin tendencies of the

[1] MS: Letter. Collection of Robert J. Hubbard.

[2] "A voyage to the United States," H. Wansey, p. 90.

French Republic. And it is very likely, from his long early residence in France, and his acquaintance during the American Revolution with Frenchmen in the Continental service, that he was sought out by the refugees, both the prominent and obscure. He may have met the brilliant, cynical Talleyrand; it is more than likely he entertained, at Annapolis or "Doughoregan" the gallant and unfortunate Viscount de Noailles, brother-in-law of Lafayette, whose wife, mother and grandmother had all fallen under the guillotine of Robespierre, and who was in America in 1794, planning to settle there with a number of his countrymen, on the banks of the Susquehanna.

Jay's famous treaty with England, negotiated July 15, 1795, brought the contest between Federalists and Democrats to a climax. Carried through in a secret session of the Senate, it was made public by a Democratic Senator, Stevens Thomson Mason of Virginia, and meetings of the Democrats were immediately called all over the country to condemn the treaty, at which thanks were enthusiastically voted, and toasts pledged, to Mason and his Congressional colleagues. The Federalists held meetings also, and censured the Virginia Senator for his daring act. Desperate quarrels arose between the champions and the opponents of the treaty, and a duel was with difficulty averted between Hamilton and Commodore Nicholson. On the other side of the Atlantic, a fatal encounter took place between two young Virginians who, in consequence of a conversation

at the "Virginia Coffee House" in London, on the subject of the treaty, fought a duel in Hyde Park, and one of them fell mortally wounded.[1]

Robert Goodloe Harper, who was soon to become Charles Carroll's son-in-law, in an "Address to his Constituents," justified the treaty, and received a letter of thanks from its author, John Jay, at whose request the address was published.[2] Jay's treaty "was generally condemned in Virginia, and the South," says President Lyon G. Tyler of Williamsburg, "because it made no provision for free trade with the West Indies, formerly the life of Alexandria and Yorktown, nor exacted any indemnity for the slaves which the British had carried off during the war."[3]

There were questions of principle involved in its passage, also, independent of its special features, which rendered it obnoxious to the Antifederalists, questions which have never yet been decided. These were whether the President and Senate alone, as maintained by the Federalists, have power to regulate commerce and duties, and to define piracy; and whether the House of Representatives is obliged to vote any amount of money called for by a treaty so negotiated. The Democrats believed, and still declare, that the two Houses of Congress should concur in the three points above named, and that a treaty is not, independently of the Constitution, "the supreme law of the land." Jefferson wrote in

[1] The *Virginia Historical Magazine*, vol. i., No. 1., p. 15. July, 1891.
[2] "Correspondence and Public Papers of John Jay," vol. iv., p. 198.
[3] *William and Mary College Quarterly*, vol. iv., No. 4., p. 254.

1795: "Our part of the country is in considerable fermentation. . . . They say that while all hands were below deck, mending sails, splicing ropes, and everyone at his own business, and the captain in his cabin attending to his log-book and chart, a rogue of a pilot has run them into an enemy's port. But metaphor apart, there is much dissatisfaction with Mr. Jay and his treaty." Charles Carroll in writing to Washington, on matters of business, the 23d of April, 1796, took occasion to make some inquiries of him about the much-talked-of treaty. Washington's reply, which is marked "Private" in the manuscript copy preserved among his papers, is as follows:

PHILADELPHIA, 1st May, 1796.

(Private)

CHARLES CARROLL ESQ:

DEAR SIR: Your favor of the 23d ulto. has been duly received. With respect to the application of Mr. Freeman, I shall do as I always have done on similar occasions, and that I am sure you will approve of—namely to lay the recommendations of applicants by, until the hour comes when nominations are to be made, and then after reference to them and an attention to other circumstances (which is often essential) prefer those who seem to have the greatest fitness for the office.

Accompanying the information of the election of Mr. Sprigg, and the instructions with which he was charged, you proposed several interesting questions such as I am persuaded your own good sense, after a resort to the debates of the important points which have been discussed, will leave you at no loss to solve.

Few however, I believe, acquainted with the proceed-

ings in the House of Representatives, conceive that the real question was not whether the Treaty with Great Britain was a good or a bad one, but whether there should be a Treaty at all without the concurrence of that House ; and taking advantage of the partialities in favor of one nation and the prejudices against that [*sic*] of another, with the aid of such unfavorable interpretation as they were disposed to give to some parts of the Treaty, it was conceived that no occasion more suitable might ever occur to establish the principle and enlarge the powers they aimed at. On this ground, therefore, it was resolved to attempt at every hazard to render the Treaty-making power a nullity without their consent ; nay worse to make it an absolute absurdity, such as could not fail to reflect disgrace upon the understanding and wisdom not only of those who framed, but on those also who adopted the Constitution, from the inconsistency of giving a power to the President and Senate to make Treaties (and when made and ratified, declaring them the supreme law of the land) and in the same instrument to vest a power in the House of Representatives to fix their vote [veto ?] upon it, unless bribery and fraud was apparent in the transaction (which in equity would annul any contract), or ruin was so self-evident as to involve war, or any evil preferable to the execution.

With regard to the motives which have led to these measures, and which have not only brought the Constitution to the brink of a precipice, but the peace, happiness and prosperity of the country into eminent danger, I shall say nothing. Charity tells us they ought to be good, but suspicions say they must be bad ; at present my tongue shall be silent. Every true friend to this country must see and feel that the policy of it is not

to embroil ourselves with any nation whatever, but to avoid their disputes and their politics, and if they will harass one another to avail ourselves of the neutral conduct we have adopted. Twenty years peace with such an increase of population and resources as we have a right to expect, added to our remote situation from the jarring powers, will in all probability, enable us, in a just cause, to bid defiance to any power on earth. Why then should we prematurely embark (for the attainment of trifles comparatively speaking) in hostilities, the issue of which is never certain, always expensive, and beneficial to a few only (the least deserving perhaps,) whilst it must be distressing and ruinous to the great mass of our citizens.

But enough of this! The people must decide for themselves, and probably will do so, notwithstanding the vote has gone in favor of the appropriations by a majority of 51 to 48, as the principle and assumption of power, which has been contended for remains, although the consequences by the present decision probably will be avoided.

With esteem and regard, I am, Dear Sir, your most obedient servant,

GEO. WASHINGTON.[1]

This epistle is apparently alluded to in a letter of Charles Carroll to his son, written in 1800, where he says: "Your publishing an extract of General Washington's letter to me, has drawn an attack on me in Martin's paper; the performance is pitiful and unworthy of notice." Again in 1816, Charles Carroll refers to the letter, in writing to Joseph Delaplaine.

[1] Washington, MSS: State Department. Note to Ford's "Writings of Washington," vol. xiii., p. 187.

"Though well-acquainted with Genl. Washington, and I flatter myself in his confidence, few letters passed between us;—one, having reference to the opposition made to the Treaty concluded by Mr. Jay, has been repeatedly published in the newspapers, and perhaps you may have seen it; that letter is no longer in my possession."

Jefferson, in the personalities of the *Anas*, written in 1818, alludes to this Washington letter, from the standpoint of the ardent Democrat. He speaks of Washington's being so much under the influence of the Federalists; and that while like the rest of mankind he was disgusted with the atrocities of the French Revolution, he did not do justice to those of his countrymen who still preferred France to England, as a struggling sister republic. He had not sufficient confidence in the "steady and national character of the American people." In his support of Jay's Treaty, Jefferson declared, Washington became alienated from him, "as from the Republican body of his fellow-citizens," and he "wrote the letters to Mr. Adams and Mr. Carroll, over which in devotion to his imperishable fame, we must forever weep as monuments of mortal decay." [1]

The Virginians were so much opposed to Jay's Treaty, and the principles incidently involved in its passage, that they proposed amendments to the Federal Constitution, covering the points at issue. These were considered in the Maryland Assembly, by a joint committee of both Houses, at its November session, 1796. Charles Carroll of Carrollton who

[1] Writings of Jefferson, Congress Edition, vol. ix., p. 99.

was present in the Senate and an important member of the committee, probably wrote the report, which he brought in, and which undoubtedly reflects his views.

The joint committee of both Houses, to whom were referred the amendments proposed to be made to the Government of the United States by the Legislature of Virginia in December last have had them under consideration for some time, and cannot recommend their adoption for the following reasons :

Should the first amendment be ratified by the legislatures of nine States, no treaty of the least consequence could be made as now authorized without the sanction of a majority of the House of Representatives ; thus would that House be let into a participation of a part of the executive power which has been exclusively vested in the President and Senate as fitter for the transacting such business and concluding treaties ; for the Senate being a smaller and more select body, it is presumable will be less liable to the influence of party, and therefore treaties will probably be investigated in that house with greater accuracy, and with more temper and judgment, than in the other ; nor was this the only reason for giving to the Senate a share of the treaty-making power. All the States being equally represented in the Senate, it was considered that this equality of suffrage, coupled with the control over treaties, would reconcile the smaller States to the preponderancy which the larger possess in the other branch. But the President and Senate may be corrupted, and sacrifice their country to a foreign interest. Are the President and Senate more likely to be corrupted than the Representatives ? Few, compared to these, a greater responsibility attaches to their character

and conduct; guilt divided among many seems to lessen, and becomes almost imperceptible in each individual, sheltering and countenancing himself under the authority of numbers. Large popular assemblies, in their public proceedings, have been unfeelingly guilty of crimes from the commission of which each individual standing alone, or supported by few, would have shrunk with horror. We may reasonably conclude, that the State legislatures will, in general, elect into the Senate men of good sense, information and integrity; if they do not, they will either want discernment or honesty, or be actuated by party. Admitting that in particular districts, nay, that in whole States, a party spirit may at times prevail, the delusion, it is to be hoped, will not continue long, and if it should, its spread through the greater portion of the Union is quite improbable. If the State legislatures want discernment or honesty, can their constituents be discerning and honest? Corrupt, indeed, must that people be, and degraded in the extreme, who have not sense enough to discover, or virtue to pursue, their real interests. In an emergency of this kind, what will partial amendments avail? A revolution only, calamity, and long sufferings, can operate their reform, and restore such a people to a just way of thinking and acting.

Does experience call for any of the proposed amendments? To amend a constitution in its infancy, from the dread of imaginary, and not from the existence of real evils, is surely most unwise. So far as the short trial we have had of the Federal Government will enable us to judge of its future operations, we ought to remain satisfied with its present form; for a large majority of the American people, and this State in particular, have repeatedly expressed their approbation of its administration, and their thankfulness for the benefits derived

from that government. No country can be said to enjoy a free constitution, nor will long retain its essence and purity, without proper checks and balances. The framers of the Federal Government have so distributed powers among the parts composing it, that each may control the others ; no event has yet discovered that the distribution has been injudiciously made ; why, then, has it been thought necessary to alter it ? Why take away from two branches, to impart in common to one, that portion of power which was exclusively lodged in the two ? Perhaps it may be said that the power has been abused. When parties run high, and are nearly poised, every expedient will be tried to give the mastery to the one or to the other. Does the Constitution present barriers to this wished for ascendancy ? These must be levelled ; amendments must do them away, and will be proposed by the defeated party on the spur of the occasion ; in the very hurry and tumult of the passions, disappointed and foiled in a favorite object, at such a time can amendments be discussed and weighed with that coolness and candor so requisite to the forming a right judgment ?

Why should a tribunal, other than the Senate, be instituted for the trial of impeachments ? No person has been impeached before the Senate, and therefore no defect in the tribunal can be collected from facts and experiment ; the objections, if not altogether proceeding from a love of novelty and change, must have originated from fancied apprehensions of unfairness and corruption in the Senate, as a court. If the government is to be new modelled upon the visionary conceits of speculative men, forever on the change, it never will assume a stable form, and the condition of the people living under it will be as miserable as of those under vague

and uncertain laws, which, partaking of the nature of the government, if this is fluctuating and capricious, those will be equally so.

The third amendment contemplates and provides for a more frequent election and renewal of members in the Senate of the United States. In this respect it appears to the committee to run directly counter to the main end of its institution. The framers of the Federal Government, no doubt, wished to temper and control those sallies of passion which it was foreseen party heat would at times produce in the House of Representatives. No method so effectual for the purpose occurred, as to give to the Senators that permanency which might secure them from the frenzy of the moment; from the contagion of faction, and the unfounded suspicions of prejudice. Besides, from a body durable as the Senate, and appointed in the manner prescribed by the Constitution, more experience in business, more steadiness of conduct, and consistency of views, are to be expected, than from biennial Representatives, owing frequently their election as much to party zeal as to merit. The quick rotation of Senators proposed to be established by the amendment would deprive the Senate of those advantages, which, as at present constituted, it derives from that degree of stability imparted to it by a longer continuance in the trust of its members.

The fourth amendment was evidently levelled at the appointment of Mr. Jay as envoy extraordinary to the Court of London, and no doubt was intended as an indirect censure of that measure. However, it does not strike the committee that the appointment of a judge on a momentous occasion, to execute a temporary and particular commission, has been or can be attended with any inconvenience or danger to the public.

If the preceding observations and reasoning are just the committee submit the following resolve, as proper to be passed by the Legislature :

Resolved, That the first and third amendments, proposed in last December by the Legislature of Virginia to be made to the Constitution or frame of government for the United States, ought not to be adopted, because, in the opinion of the Legislature, they would give too great a preponderancy to the House of Representatives, and thus derange the balance of reciprocal control, checks and powers, so happily devised and distributed among the component parts of the Federal Government, and thereby endanger the liberty of the people ; that the second and fourth amendments are particularly inexpedient, as not being warranted by the experience of any evils which have resulted from the government as now constituted, or from its administration.

The committee also beg leave to report, that the annual interchange of laws, as proposed by the General Assembly of Virginia, may be attended with beneficial effects, and therefore recommend the following resolve :

Resolved, That the Governor of this State be requested to inform the Governor of the Commonwealth of Virginia, that the Legislature of this State have acceded to their proposition of an annual interchange of the laws of their respective States, and also to an exchange of the existing code of laws in each State, and that the Governor be requested to procure the said laws, and determine and fix upon the means for carrying this resolution into effect.[1]

In reviewing briefly Charles Carroll's career in the Maryland Senate from 1792 to 1797, we find him in

[1] Journal of the Maryland Senate.

1793, one of a committee having in charge the project of holding an annual lottery for the benefit of the new city of Washington. "Baltimore-town" was to be legislated into a "city" at this time, and Charles Carroll of Carrollton was one of a committee appointed for this purpose. The Militia Bill was still the subject of discussion and amendment, Charles Carroll continuing to take an active part in its preparation. The sufferers from the insurrection in St. Domingo had sought shelter in "the hospitable States of America" in the summer of 1793, and Baltimore had provided for many of them, the Assembly granting five hundred dollars a week from December to February, and Congress was asked, through the Maryland Senators and Representatives, "to refund the surplus advanced" beyond Maryland's "just proportion." Charles Carroll drew up the address to these gentlemen on this subject.[1]

The eleventh amendment to the Constitution of the United States was proposed in Congress in 1794, and declared adopted in 1798. Virginia and Massachusetts had both suggested this amendment and worked to secure its ratification. Virginia's House of Delegates in 1793 had passed resolutions to this end; declaring "That a State cannot, under the Constitution of the United States be made a defendant at the suit of any individual or individuals, and that the decision of the Supreme Federal Court, that a State may be placed in that situation, is incompatible with, and dangerous to, the sovereignty and

[1] Journal of the Senate.

independence of the individual States, as the same tends to a general consolidation of these confederated republics." The Maryland House of Delegates endorsed this view, and advocated amendments to "protect a State in Federal Courts." The Senate, more cautious, and of a more Federal complexion, hesitated, and asked for more time to give the matter consideration. "It is an important question," they say, "which has occasioned great diversity of opinion among men of the first abilities." And when the act to ratify the amendment was voted on in the Senate, December 17, 1794, and passed, Charles Carroll of Carrollton recorded his suffrage against it.[1]

A bill before the Legislature, for taking away the funds of Washington and St. John's College was opposed in the Senate, and finally negatived by the Assembly. Charles Carroll was chairman of the Senate committee having the matter in charge; and an interesting account of both of these institutions, is spread upon the journal, in the letters and papers used by their champion to secure the continuation of the fund hitherto allowed them. Maryland's stock in the Bank of England was yet unrecovered, and there was question in the Assembly in 1794, as to the suggestion of having Mr. Jay make it a subject of negotiation in the proposed English treaty. But this idea had been finally abandoned. Charles Carroll was prominent in the Senate and joint committees on the bank-stock affair, as it came up in successive sessions. In the Assembly of 1795, Gen-

[1] *Ibid.*

eral Washington's course was approved of, in the matter of Jay's Treaty, and in other respects, and on motion of Charles Carroll of Carrollton the "Address" of the House of Delegates endorsing the Administration was to be published in all the Maryland papers. At the following session Charles Carroll reported from a joint committee of the two Houses an "Answer" to the Governor's address, in which there are allusions to the President's message, as he is about to retire from public life, and regret expressed at his determination. Washington's "Address to the people of the United States," dated September 17, 1796, is given in the Senate journal, and the resolutions of the Assembly, relating to it, which are highly eulogistic of the *Pater Patriæ*.

At the session of 1795 Charles Carroll had been put upon the committee of three which was to confer with a House committee, on the settlement of the western limits of the State. And in 1796 he was appointed, with Jeremiah Townley Chase, a Commissioner, to settle with Virginia the question of State boundaries. Philip Barton Key was afterwards added to the Commission. Carroll and Chase took the places of William Pinkney then in England, and William Cooke who had resigned. Ten days before the close of the session of 1796, Charles Carroll brought in from the joint committee on the Virginia amendments to the Constitution of the United States, the report which has been already given.[1] In 1797 he introduced a bill for the gradual abolition of slavery, which, however, did not pass. Yet in the latter

[1] *Ibid.*

part of his life he was a "pro-slavery man in all its features, and was most logical in his demonstrations of its influence in this country." [1]

In the summer of 1798, Charles Carroll of Carrollton wrote the following letter to General Washington, on the prospect of war with France, and the preparations in the United States for such an event. It will be noticed how sagacious are Carroll's prophecies as to the future course of political events in France and the monarchies surrounding her.

DOUGHOREGAN, 9th Aug., 1798.

DEAR SIR :

I was yesterday favored with your letter of the 2nd instant. Your sentiments respecting the proper qualifications of aids to a commander-in-chief, or of a separate army are very just. Unquestionably persons of experience should have the preference, for the forcible reasons you mention ; but I thought that they who had acquired experience by actual service during the last war, would aim at and aspire to commands in the army proposed to be raised, or at becoming colonels, majors &c., and that young men chiefly would solicit to be appointed aids.

I sincerely wish that you may not be forced to quit your retirement and place yourself at the head of our army. Nothing, I fear, will prevent the Directory from landing a strong force in one of the Southern States, but the want of the means. It is obvious they aim at splitting the countries surrounding France into small Democracies entirely dependant on the rulers of the *great nation.* They view with a jealous eye the growing strength of this country, and if they can, they will nip it in the bud

[1] *Appleton's Journal,* September 19, 1874, p. 355.

by dismembering the Union. They have too many partizans among us, influenced by a variety of motives, who will aid their measures, when they dare to cast off the mask. On these traitors, I wish with you, that the expense of our preparations could be thrown, but the mischief is, the far greater part (were it even practicable to subject them solely to the expense) have little or nothing to pay, and this poverty is one of the causes which has enlisted them under the banners of France.

I have observed, that through all the changes of parties and rulers in France, one object has been steadily pursued, the aggrandizement of the terrible Republic, and the depression of its neighbors. All the men placed at the head of the French councils have had ambition, and enterprise. France, if left in possession of its acquisitions, will, on the return of a general peace, turn its attention to the acquirement of a powerful marine, which can be acquired only by an extensive commerce, supported by extensive and opulent colonies. I suspect therefore, that the Directory will wrest from Spain Louisiana, and from Portugal the Brazils. The single island of St. Domingo, when reduced to order and improved, as the French part of it was before the Revolution, will support a flourishing trade. What can prevent Russia, Prussia and Austria from combining with England to defeat the ambitious designs of France ? I fear mutual jealousies, weakness of the princes who nominally govern those countries, the corruption of some ministers, and exhausted finances.

It is said Mr. Marshall reports the finances of France to be at the lowest ebb. The want of money may give a temporary respite to Europe, and to this country, but if the interval be not improved in forming a solid union against the ambition, and disorganizing projects of the

French oligarchy, they will be soon revived. Should the present system of French (government it cannot be called) endure any length of time, it will endeavour to undermine by secret intrigues, or subvert by open force, the monarchies of Europe, for the co-existence of those governments is incompatible with that of France. The latter, indeed, is yet to undergo great changes, and may terminate in a monarchy, perhaps more formidable to the independence of Europe, than the subsisting oligarchy, which from the seeds of internal decay cannot be expected to survive many years.

Excuse, sir, this effusion of political conjectures ; your letter has partly drawn them from me. I remain with the greatest respect and esteem, dear sir,

Your most obedient humble servant,

CH. CARROLL OF CARROLLTON.[1]

John Henry was elected Governor of Maryland in 1797. Charles Carroll at this session, and the following one, reported resolutions from the joint committee to whom the communications relating to the bank stock had been referred, which were not satisfactory to the House of Delegates. The latter wanted to put the matter entirely into the hands of Rufus King, American Minister to England, and the Senate objected to this. Charles Carroll was the writer of a long message to the House, on the subject, dated January 3, 1799, and a final message of the 19th of January. A point at issue between the two Houses was whether they should deduct the claim of James Russell from the bank stock due Maryland.

[1] Washington MSS :, Department of State.

Samuel Chase in letters to Charles Carroll written in 1797-1798, describes the case as it then stood. The widow of James Russell, he urged, had been compensated by the British Government, so that it would be necessary to deduct his claim for something over £10,600, out of the amount to be transferred. Chase writes that he had exerted himself "for fourteen years to obtain for the State a transfer of the whole." But he thought, as he wrote in a letter dated January, 11, 1798, to insist upon this now would be inexpedient. He believed that the Resolutions proposed by the joint committee, would do harm, and if adopted would "suspend all further negotiations on the subject." [1]

The House of Delegates sustained the view taken by Samuel Chase. The two messages of the Senate, as reported by Charles Carroll are as follows :

January, 3d, 1799.—Gentlemen : We received your message requesting a reconsideration of the resolution relating to the bank stock.

The members of the Senate are ever willing to reconsider their decisions, when new arguments or facts are disclosed, or where, in the hurry of public business, a subject may have been acted upon without that deliberation and discussion which its importance required. But in cases where no new facts nor arguments not heretofore used are produced, the practice is improper. These principles preclude the reconsideration of the resolution ; the arguments in your message had been fully considered in the repeated discussions of the subject, no new facts have been discovered to place it in a new or different

[1] Archives of Maryland Historical Society.

point of view. Under these circumstances reconsiderations must produce that instability of decision which you must admit to be inconvenient and even discreditable, to public councils.

Although we decline a reconsideration of the resolution, you are not thence to infer we consider the undisputed possession of the stock of little importance to the State; on the contrary, with you, we deem it an object of great magnitude.

Upon the mere intimations of the Chancellor, and the opinions of council as to the justice of Russell's claim, which we have not seen, and therefore cannot judge of, we can scarcely reason at all, or very imperfectly, for our information upon these points, to say the least, is most imperfect. We fear not, however, of being contradicted in asserting, that the recent payment of Russell's claim by the British Government, after the disclaimer of all right to the stock in question on the part of the Crown, amounts to a full admission of the right of this State, and ought to remove every obstacle to a recovery of the whole. Under these circumstances, and the repeated admissions of our right to a partial transfer, we think the adoption of your resolution would be highly impolitic. The abandonment of a large portion of our claim can only be justified by an immediate and pressing demand for money, or by a well grounded opinion that the whole stock will be hazarded from insisting upon an unconditional transfer.

The state of our treasury evinces that the call for money is not so very pressing, nor can we admit the possibility of losing the whole by contending for what you, as well as we, conceive to be the right of the State.

Although, in the present situation of the funds of the United States, compared with those of Great Britain, it

might by some be thought prudent to direct a sale of our bank stock, when transferred, and to invest the proceeds in the public securities of the Federal Government, yet this measure could not be effected at the present price of bank stock, without such a loss to the State as nothing can warrant but extreme necessity on our part, and the probability that the British Government will either fail or violate its public faith by the seizure of the property in its public funds of a friendly State. A national bankruptcy is a very improbable event, and the seizure even more so ; for public credit, sound policy, and the modern practice of civilized nations, have rendered sacred property in the public funds, even of enemies.

In a few years after a general peace, it is presumable that the bank stock in England will rise very considerably, and we cannot conceive that the State would willingly sustain the loss arising from the admission of Russell's claim, and the present withdrawing this money from England. It has indeed been urged, that although we might not withdraw the bank stock upon terms so disadvantageous, yet it would be politic to obtain a transfer to Mr. King at the certain loss of ten thousand six hundred and fifty pounds sterling, the amount of Russell's claim, and thus prevent farther deductions, by the payment of other claims.

To this observation we reply, that the same principles which would now induce the British Government to transfer the stock, or any part of it, will continue to operate with equal force, unless counteracted by circumstances which at this time we have no right to anticipate ; from the interposition of other claims, nothing in our judgment is to be seriously apprehended, since the claim of Russell, the trustee, supposed to be better founded than any of the rest, was disallowed by the

Chancery court for want of equity. You indeed have supposed, that if the stock should continue much longer in its present situation, other claims may hereafter be brought forward and admitted; if this be really your opinion, may not the admission of Russell's claim serve as a precedent for the allowance of others equally unfounded, and which may finally swallow up the whole stock? Nothing is risked by persisting on our right, but a certain, perhaps a total loss, may arise from a contrary and temporizing conduct.

Permit us to observe, that the claims which have already been set up against our bank stock, and determined inadmissible, will not alter their character, and become just and admissible by the lapse of time; but incidents may occur, which, if they will not justify, may at least give color to the retention, in plain English, to the forfeiture of this stock; in discussions of this kind, we should reject the workings of the imagination, and the unreal suggestions of fear, it being the interest of both countries to be upon good terms, and to maintain the subsisting harmony which cannot long be maintained without the mutual observance of justice; we conclude, and upon the strongest foundation, that both Governments will continue to act justly towards each other.

We have reason to believe that the Chancellor had not, in September last, dismissed the bill of the State's assignee, but deferred the dismission until the Attorney-General should be instructed thereon by the Crown. The last authentic advices from Mr. King to the Secretary of State, communicated by Mr. Chase, through the executive, to the General Assembly at the last session, informed them that the Chancellor would dismiss the bill, on the allegation that he has no jurisdiction of the case; then neither Russell's representative, or any other

claimant for compensation out of the bank stock, can recover in a court of equity ; indeed, all those whose property has been confiscated, and Russell's family among others (as already observed), have been indemnified by the British Government. Upon what principle, then, can it be maintained, that the King of Great Britain may of right retain the sum awarded and paid to Russell's family ? And if that sum, why not others ? On no other ground, we conceive, than that the bank stock, formerly the property of the people of Maryland, has devolved on the Crown ; will you then be pleased to point out how the King of Great Britain has become heir or successor to the people of Maryland ? We are really at a loss to know how the British negotiator will make out the title of his master to the stock of this State in the Bank of England ; should he fail in the attempt, the stock surely cannot be considered as property to which no person is entitled, it must belong either to the people of Maryland or to his Britannic majesty ; if to the latter, whatever right he may formerly have had to it he has long ago disclaimed.

You have laid great stress on the policy of obtaining a speedy transfer of the stock ; to the same purpose it was urged, in a discussion of this subject before the Senate, that if Mr. King, for so many months, had endeavoured in vain to procure a transfer, what chance was there that he would be more successful for the time to come ? Be it remembered, that the only claim stated by Mr. King, as an obstruction to the transfer, was considered by him as unjust and impolitic ; he said he should resist both the impolicy and injustice of it, unless otherwise instructed by the legislature.

Have we any assurances from Mr. King himself, that his opinion of the claim has been since altered ? Have

any reasons been adduced by him to prove that what was then unjust and impolitic is now become politic and just? Do we not now know that the claim in question has been satisfied by the British Government long since the dates of Mr. King's letters on this subject to Mr. Pickering? If the transfer has been thus long delayed from the non-payment of Russell's claim, it being now paid, and that stumbling block thus removed, we have the strongest reason to expect, both from the equity of the case and true policy, that the stock, if not already transferred to Mr. King, will not much longer be withheld. But if we pass the resolution, and it should be known in England before the transfer is made, it will be construed into a surrender of the ten thousand six hundred and fifty pounds sterling, awarded Russell, which though already paid by the British Government, may be stopped out of our bank stock, not to be twice paid to Russell's family, not to be returned into the British treasury (for the sum, though an object to this State, is none to that nation), but it will probably be deemed a douceur, given to obtain speedily, what really is our right, and will, if insisted on with perseverance, be at length obtained.

Undoubtedly Mr. King will imitate the worthy example of the late envoys of the United States to France, and set his face against all douceurs; he will not surely purchase redress at the expense of the State, unless imprudently authorized to act differently. Thus judging of that gentleman, our confidence in him is not less than yours, and although we might have been willing to confide to him a real discretion, had nothing transpired on this subject, we again submit to you, whether the publicity of the proposed resolution, when once passed by the Legislature, would not deprive him of the actual exercise of it, by admitting the British Government to a

knowledge of our ultimatum, and whether, under these circumstances, it would not amount to an actual abandonment of Russell's claim.

We do not think that either present circumstances, the interest of our constituents, or the state of our finances, warrant the sacrifice proposed. Believing that the State has a full and perfect right to the whole stock, for its attainment we rely on the justice of our cause, the ability of our minister, and the firm support of the general government.[1]

[January 19, 1799.] Gentlemen:

As the only reasons adduced in your first message were urged by the agent of the bank stock, when before the Senate, and as most of your House attended on that occasion, we were certainly warranted in asserting, that your message contained no new matter, facts or arguments, to induce us to alter our opinion.

We admit the Chancellor has intimated that he has not jurisdiction of the cause, that the stock is in the hands of the accountant-general, and that the subject is now under negotiation. We contend that the principles of the law of nations ought solely to govern in such a negotiation; that the King of Great Britain ought not to avail himself of the circumstance of the stock being in the hands of the accountant-general to indemnify any of his subjects out of it, if a right to the stock cannot be established in the Crown; that if the King may rightfully thus indemnify one of his subjects, he may indemnify all those whose property has been confiscated by this State, or make such other distribution of the stock as to him may seem meet.

The right of the State to the stock we deem indisputable. In your former message it is said, that eminent

[1] Journal of the Maryland Senate.

counsel in England think differently. We have observed, and repeat the observation, that opinions we have not seen, nor the reasons on which they are grounded, ought not to induce us to relinquish a property to which we are persuaded we have a good and perfect title. If such opinions have been given, and have come to the knowledge of Mr. King, and if the reasons on which they are founded appear in his judgment to have weight, no doubt he will communicate them to the General Assembly, and when communicated, we shall give them all the consideration which their importance may merit.

It is true the negotiation of Mr. King has not hitherto met with the desired success, but it does not follow that he may not succeed hereafter. Matters of this nature between independent sovereignties are not speedily transacted, and this question in particular may have given way to more important discussions. A year or two hence may be as favorable a time for negotiating a transfer as the present, or the past; perhaps more favorable, for then the person forming the chief obstacle to the transfer of the stock may have no control over it.

It is asserted by Mr. Stanley, that the Crown has disclaimed already all right to the stock, and we are informed that Russell's family has been recently paid by the British Government; the information has been given to one of our members, who was requested by his informant not to divulge the person's name; the truth of it, we doubt not will be confirmed in a short time. We cannot conceive what right or title the Crown can now set up to the stock, after the disclaimer in the High Court of Chancery. It may be urged that Russell, as trustee, is entitled to indemnification out of the stock, and that the British Government having paid the ten thousand six hundred and fifty pounds sterling, may

retain that sum out of the stock ; first it must be decreed, that Russell was entitled to be indemnified out of the stock, and as the Chancellor has declared he has no jurisdiction of the cause, he cannot decide judicially on the supposed equitable claim of Russell ; but the stock cannot be got out of the hands of the accountant-general, it seems, without the consent of the Crown, which may not be obtained, unless we agree to compensate Russell's family. In plain English, the King will avail himself of a mere casuality to withhold part of our stock, without an investigation in a court of equity of the right, in order to indemnify one of his subjects, and thus constitute himself both judge and party. If Mr. King would remonstrate against such a proceeding, with that decision and force of argument of which he is capable, we hope the Chancellor would not persevere in advising his Majesty to adopt a measure so disgraceful and unjust.

We insist, that if a discretionary power be now given to Mr. King, he must consider it a departure from the instructions of the last session, and given for the purpose of procuring a transfer by the loss of ten thousand six hundred and fifty pounds sterling. He will conclude that the State is in such want of money that it is willing to make that sacrifice ; as that is not our situation, and were the transfer now made, as we think it would be advisable to let the stock remain an accumulating fund in the Bank of England, till it appreciates much beyond its present value, we cannot consent to leave to Mr. King the use of his discretion, either to accept a partial, or insist on a transfer of the whole stock, as he may judge most expedient ; we deem ourselves more competent to judge of the true interest of the State than Mr. King, who certainly cannot be so well acquainted with its finances, wants or resources.

We have expressed an opinion, or rather hope, that the British Government will act justly towards this country; it is the interest of both countries to cultivate peace, and be upon good terms; that differences will occasionally interrupt this harmony, may be expected, but moderation and a due regard to justice and true policy, will probably terminate amicably such differences; we believe that both Governments are disposed to act towards each other in this manner, and though this may be really the disposition of the British ministers, yet it is possible one may be found among them who might not reject a douceur to accommodate a friend. Notwithstanding the temporary suspension of payment in cash of its notes, the Bank of England has considerably appreciated within twelve months; about this time in the year seventeen hundred and ninety-seven it was as low as one hundred and nine per cent, by the last intelligence it had risen to one hundred and twenty, and was still rising. From the depressed condition of the commercial rivals of Great Britain, and the great marts and sources of trade, which peace will probably leave in the possession of that nation, we may fairly conclude, that in a short time after a general peace the Bank stock of England will attain a higher value than ever. In this view of the subject, we deem it unwise to sell our bank stock at present, were we now in possession of it.

The objects referred to in your message unquestionably merit the attention and patronage of the Legislature, and if money could be borrowed or a small sum even advanced by the State, to remove obstruction in the bed of the Susquehanna, individuals might be encouraged to co-operate in opening its navigation, without incurring so great a loss as the present sale of our bank stock would occasion. The State is not entirely desti-

tute of the means of aiding the navigation of the Patowmack and Susquehanna; to render it as complete as nature will admit, will require time and more money than we can now command. When peace has raised the value of our stock in the Bank of England, a sale of part may be made, and the proceeds applied to those two great objects; we doubt not the wisdom of our successors will make the application; the very difference between the present and future probable value of our bank stock would more than complete the navigation of those rivers.

If we apprehended that the State might lose the whole of its stock by insisting on the unconditional transfer, we would assent to your resolution, but believing that no risk is incurred, we will not submit to a certain loss to obtain what we flatter ourselves will be obtained from the justice of our case in the course of a few years.[1]

The following letter relating to the navigation of the Potomac was written by Charles Carroll of Carrollton to General Washington, in reply to the latter, who had expected to see Carroll and others in Georgetown at a proposed meeting of the Potomac Company. These were probably the last letters that passed between the two friends.

DOUGHOREGAN, 5th Aug. 1799.

DEAR SIR:

I did not receive your favor of the 21st past, until yesterday. The pleasure of seeing you at George Town would have been a strong inducement to me to attend the meeting of the Company to be held there this day, even on so short a notice of your intention of giving your attendance, had I not learnt at the same time I got

[1] *Ibid.*

your letter that you have been lately much indisposed. Mr. Law, however, from whom this disagreeable intelligence came, concluded his letter, I am told, by saying you was then on the recovery. I sincerely hope and wish you may be speedily restored to perfect health.

I have written to my relative Mr. Dan : Carroll of Duddington, and authorized him to subscribe on my behalf one hundred dollars for each of the shares I hold, provided the sum of forty thousand dollars be subscribed. The circular letter of the directors states that $60,000 will certainly complete the navigation from above Fort Cumberland to tide-water ; a less sum therefore than $40,000, I conceive if subscribed and *paid*, would be doing little or nothing. No person who could be depended on, would undertake *by contract* a work for twenty or thirty thousand dollars, the completion of which according to accurate estimates, would require $60,000. I entirely coincide with your opinion, that what remains to be done to perfect the navigation of the Potomack, should be done by contract, under the inspection of the directors, or of one or two confidential and intelligent persons to be by them appointed to superintend the contractor.

I have, Sir, an opinion equally sanguine as yours, of the eventual productiveness to the stockholders, and utility to the public of this great undertaking, but fear it will not be completed for some years, from the want of funds, and the inability of the stockholders to furnish them to the extent estimated and required. This State, to judge from the transactions of the last session of its legislature, will advance no more money towards that object, and similar causes may produce the same effects in the Legislature of Virginia.

I beg you to present my respects to Mrs. Washington,

and to receive the assurance of the perfect esteem and very sincere regard of,

Dear Sir,
Your most humble servant
CH. CARROLL OF CARROLLTON.[1]

Charles Carroll's able management of the affair of the bank stock, and his statesman-like papers on the subject, in which the rights and dignity of the Government of Maryland are upheld, in a controversy with the Government of Great Britain, form a fitting close to the services rendered his native State in a long public career. As a Federalist, he doubtless, in the session of 1798, fully endorsed the action of the Assembly, in their address to President Adams, approving of his administration, both in its foreign policy and its "late regulations for internal quiet;" and he may have suggested the Senate's amendment in reference to the "faction opposed to the government of our choice." John Adams in his reply complimented Maryland in these words: "Convinced, as I have been, by an attentive observation of more than twenty years, that there is no State in this Union whose public affairs, upon all great national occasions, have been conducted with more method, wisdom and decision, or whose results [*sic*] have been the effect of a more comprehensive and profound view of the subject, than those of the State of Maryland etc."

There was reserved one more scene in the Assembly in which Charles Carroll of Carrollton was to be a conspicuous figure, the impressive

[1] Pennsylvania Historical Society.

occasion of the announcement of Washington's death, in the session of 1799. On December 17th, the Senate, "to give the people a public opportunity of regretting the irreparable loss which their country has sustained" proposed a day of "mourning, humiliation, and prayer," throughout the State. It was then ordered, "That Mr. Carroll and Mr. Forrest" communicate the above Resolution to the House of Delegates; and also the Resolution that, "The General Assembly of Maryland, feeling the most undissembled sorrow for the irreparable loss of the illustrious Washington, and anxious to pay every tribute of respect to the memory of the departed friend to his country," furnish a scarf and hatband to the Governor, President of the Senate, and all the members of the Senate and House, in attendance on the Assembly, all the Council, clerks, and every officer of the State and General Government in Annapolis "to be worn during the session as the external mark of their unfeigned grief." [1]

Roger Brooke Taney, then serving his first year in the Assembly, as the young member from Calvert County in the House of Delegates has preserved a touching account of Charles Carroll's appearance with these Resolutions, in the House of Delegates. It will be seen that Taney's memory was at fault as to Carroll's colleague, who was not John Eager Howard, then in Congress, but the prominent member of the Senate, Uriah Forrest of St. Mary's County. This gentleman had been a lieutenant-colonel in the Maryland Line, receiving a wound at

[1] Journal of the Maryland Senate.

Germantown from the effects of which he never recovered. He had also served in Congress, both before and after the adoption of the Federal Constitution.

"General Washington died while the Legislature was still in session. The news reached Annapolis in the evening, and the next morning, when the House met, almost every countenance looked sad, and nothing else was spoken of. Immediately after the Houses were organized, the Senate sent down a message to the House of Delegates proposing to pay appropriate honors. Charles Carroll of Carrollton and John Eager Howard [Uriah Forrest] two of the most distinguished men in Maryland were appointed by the Senate to bring the message, and I never witnessed a more impressive scene. The two honored Senators with their gray locks, stood at the bar of the House with the tears rolling down their cheeks. The Speaker and members rose to receive them, and stood while the message was delivered. It was no empty formal pageant. It was the outward sign of the grief within, and few were present who did not shed tears on the occasion. My eyes, I am sure, were not dry."[1]

[1] Tyler's "*Life of Roger Brooke Taney*," p. 85.

CHAPTER VII.

RETIREMENT FROM PUBLIC LIFE.

1800–1807.

WITH the beginning of the new century Charles Carroll's public career came to an end, the session of 1800 being his last one in the Maryland Senate. The Federalists who were in a majority of two to one in the House of Delegates in 1800, were reduced to a minority in 1801, and the political character of the Senate was, of course, altered as materially, the victorious party of Jefferson having been triumphant in Annapolis as well as in Washington.

The question of the mode of appointing electors for President and Vice-President agitated Maryland at this time. The Virginia Legislature had passed a law requiring electors to be chosen by a general ticket; this gave the whole electoral vote to Jefferson. Maryland wanted to give her whole vote to John Adams, but though the counties were Federalist, Baltimore, with its large commercial interests, was in favor of Jefferson, and in order to prevent Baltimore's majority from overpowering

that of the counties, it was proposed that the Legislature should elect the electors. Robert Goodloe Harper wrote a pamphlet in favor of this plan, but many objected to it as depriving the people of their rights. The contest resulted as has been said, in the defeat of the Federalists. The following correspondence between Charles Carroll of Carrollton and Alexander Hamilton, touches upon this point and it is seen how strongly Carroll distrusted and dreaded the new party which was coming into power with the election of Jefferson.

ANNAPOLIS, 18th April, 1800.

DEAR SIR :

. . . We have strange reports circulated among us respecting the prevalence of Jacobinical principles in your State. It is asserted with confidence by the Antifederal party here, that all your electors will vote for Mr. Jefferson as President. If such an event should really happen, it is probable he will be chosen. Of such a choice, the consequences to this country may be dreadful. Mr. Jefferson is too theoretical and fanciful a statesman to direct with steadiness and prudence the affairs of this extensive and growing confederacy. He might safely try his experiments, without much inconvenience in the little republic of St. Marino, but his fantastic tricks would dissolve this Union. Perhaps the miseries of France, and more especially the government of Buonaparte, may have weaned him from his predelictions for revolutions. I once saw a letter of his, in which, amongst several others, was contained this strange sentiment,—'that to preserve the liberties of a people, a revolution once in a century was neces-

sary.' A man of this way of thinking, may be said to be fond of revolutions ; yet, possibly, were he the chief magistrate, he might not wish for a revolution during his presidency.

I beg my respects to Mrs. Hamilton, and to be kindly remembered to General Schuyler.

I am, with very great regard and esteem, Dear Sir,
Your most humble servant,
CHARLES CARROLL OF CARROLLTON.[1]

[To Alexander Hamilton Esq.]

NEW YORK, July 1st, 1800.

DEAR SIR :

I yesterday returned from an excursion through three of the four eastern States, and found your letter of the 18th of April. It is very necessary that the true and independent friends of the government should communicate, and understand each other, at the present very embarrassed and dangerous crisis of public affairs. I am glad, therefore, of the opportunity which your letter affords me of giving you some explanations which may be useful. They are given without reserve, because the times forbid temporising, and I hold no opinions which I have any motives to dissemble. As to the situation of this State with regard to the election of President, it is perfectly ascertained that on a joint ballot of the two houses of our legislature the opposers of the government will have a majority of more than twenty ; a majority which can by no means be overcome. Consequently all our electors will vote for Mr. Jefferson, and Mr. Burr. I think there is little cause to doubt that the electors in the four eastern States will all be federal.

The only question seems to be as to Rhode Island,

[1] Hamilton's *Works of Alexander Hamilton*, vol. vi., p. 434.

where there is some division, and a state of things rather loose. Governor Fenner, as far as he may dare, will promote the interest of Jefferson.

A considerable diversion in favor of the opposition has lately been made in New Jersey. But the best and best informed men there, entertain no doubt that all her electors will still be federal, and I believe this opinion may be relied upon.

I go no further South, as I take it for granted your means of calculation with regard to that quarter are, at least, equal to mine.

The result of a comprehensive view of the subject, seems to me to be, that the event is uncertain, but that the probability is, that a universal adherence of the federalists to Pinckney will exclude Jefferson.

On this point there is some danger, though the greatest number of strong minded men in New England are not only satisfied of the expediency of supporting *Pinckney*, as giving the best chance against Jefferson, but even prefer him to *Adams;* yet in the body of that people there is a strong personal attachment to this gentleman, and most of the leaders of the second class are so anxious for his re-election that it will be difficult to convince them that there is as much danger of its failure as there unquestionably is, or to induce them faithfully to co-operate in Mr. Pinckney, notwithstanding their common and strong dread of Jefferson.

It may become advisable, in order to oppose their fears to their *prejudices*, for the middle States to declare that Mr. Adams will not be supported at all, when seeing his success desperate, they would be driven to adhere to *Pinckney*. In this plan New Jersey and even Connecticut, may be brought to concur. For both these States have generally lost confidence in Mr. Adams.

But this will be best decided by future events and elucidations. In the meantime it is not advisable that Maryland should be too deeply pledged to the support of Mr. Adams.

That this gentleman ought not to be the object of the Federal wish, is, with me, reduced to demonstration. His administration has already very materially disgraced and sunk the government. There are defects in his character which must inevitably continue to do this more and more. And if he is supported by the federal party, his party must in the issue fall with him. Every other calculation, will in my judgment, prove illusory.

Doctor *Franklin*, a sagacious observer of human nature, drew this portrait of Mr. Adams :—"He is always honest, *sometimes* great, but *often mad*." I subscribe to the justness of this picture, adding as to the first trait of it this qualification—"as far as a man excessively *vain* and *jealous*, and *ignobly* attached *to place* can be."

With consideration and esteem, I am, dear Sir, &c

[Alexander Hamilton.]

To Charles Carroll of Carrollton.[1]

Brooklandwood, near Baltimore, Aug. 27th, 1800.

Dear Sir :

I received this morning, at this place, the country residence of my son-in-law, Mr. Caton, your letter of the 7th instant. I wish it were in my power to give you pleasing intelligence of the politics in this State. Our county (Ann Arundel), which was lately so federal is at present much divided in the upper part of it. I suspect there is a majority for anti-federal candidates to our

[1] *Ibid.*, vol. vi., p. 445.

State legislature. This change of sentiment has been principally effected by a few characters, who, profiting by the report that our legislature would take from the people the right of choosing the electors of President and Vice-President, have infused such jealousies into the minds of the people, that I fear the federal ticket will not prevail in Ann Arundel, unless the candidates will promise not to take from the people the choice of electors.

Notwithstanding the arts, and lies, and indefatigable industry of the Jacobins in this State, I am of opinion a great majority of its inhabitants are friendly to the federal government and its measures. I suspect Jefferson and Burr will have three votes in this State, and that the electors will be chosen by districts, and not by the legislature. The federal electors will vote for Adams and Pinckney, although the former has lost the confidence of many of the federals from the incidents to which you allude, and which are pretty generally circulated through this State.

It is the character of the age to be timid and suspicious ; and this infirmity, so natural to men of my time of life, has no doubt its influence on my mind. I much fear that this country is doomed to great convulsions, changes and calamities. The turbulent and disorganizing spirit of Jacobinism, under the worn-out disguise of equal liberty and right, and equal division of property, held out to the indolent and needy, but not really intended to be executed, will introduce anarchy, which will terminate here, as in France, in a military despotism.

I understand Jefferson and Burr have all the votes in Virginia. How the votes will be to the southward of that State I can form no opinion, having no sure data to form one. If the Virginia electors should suspect that

Burr might out-vote their favorite, Jefferson, they would leave out Burr, or only leave him a few votes.

I hope the eastern electors, in a case of so much importance, and when they come to consider the baneful effects which may result from their giving a chance to the election of Jefferson or Burr for President, will vote unanimously for Adams and Pinckney : if they do not act in this manner, it is highly probable that Jefferson will be elected President.

Although I dislike laws and changes suited to the spur of the occasion, yet as I see many evils are likely to result from the choice of a Jacobinical President, the insidious policy of Virginia should, in my opinion, be counteracted ; and if we should have a federal House of Delegates (of which I really have doubts from the present ferment in public minds,) I hope the legislature will choose "pro hac vice," the electors of President and Vice-President. I say I *hope*, for I am not certain, even if the new House of Delegates should be federal, that they would pass such a law, as many of the members will probably be instructed not to vote for it.

I have given you my sentiments upon the subject of your letter and all the information I possess, which, to speak the truth, is chiefly derived from others, and those well disposed to our present government.

Burr will probably act with more decision than Jefferson, if elected President, and will go on better with his party, but will not Jefferson be afraid to disoblige his party, and may he not be driven to measures which his own judgment would reject.

A wise and federal Senate may, for a considerable time, restrain the wild projects of the Jacobin faction, and in politics as in war, who gains time, I will not say with the great Frederick, *gains everything*, but gains a *great deal.*

If the war in Europe should be protracted to another year, I fear the anti-federal party will endeavor to precipitate this country into a war with England, and the depredations committed by her cruisers on our trade will aid their designs. I hope, however, the coming winter will produce a general peace. In that event we shall have one evil the less to dread from the machinations of the enemies of order and good government.

It is much to be wished that our envoys to France may be able to accommodate our differences with that nation, before peace is concluded between it and England, otherwise Buonaparte will, I fear, make us purchase the forbearance of the great nation at a very dear rate.

I am with sentiments of high esteem and respect, dear Sir, Your most humble servant,

CHARLES CARROLL OF CARROLLTON.

[TO ALEXANDER HAMILTON, Esq.] [1]

Two marriages in the family of Charles Carroll of Carrollton about this time, must have been matters of deep interest to him as a parent, making, as they did, a complete change in his domestic circle. Charles Carroll, Jr. married on the 17th of July, 1800, Harriet, daughter of the Hon. Benjamin Chew, Chief Justice of Pennsylvania, of the same family as the Chews of Maryland and Virginia. Judge Chew had been twice married, and was the father of six daughters. Several of these ladies were celebrated as belles in the social annals of Philadelphia. Of the two elder ones, Joseph Shippen, one of Philadelphia's local poets, wrote in flattering phrases in some lines on the city beauties; while "Peggy"

[1] *Ibid.*, vol. vi., p. 467.

Chew, the eldest of the younger group of sisters, was one of the heroines of the "Meschianza," in which entertainment she was associated with the unfortunate Major André by whom she was greatly admired. Though the Chews were Tories, the beautiful "Peggy" married a gallant Continental officer, Col. John Eager Howard. This wedding took place in 1787, at the time of the session of the Federal Convention, and General Washington was present at the ceremony.

The three other sisters were Harriet, Mrs. Carroll; Sophia, Mrs. Henry Philips; and Maria, Mrs. Micklin. Portraits of Mrs. Howard, Mrs. Carroll, and Mrs. Philips are extant painted, the former by Pine, and the other two by Trumbull. A daughter of Benjamin Chew, Jr., only brother of these ladies, married the Hon. James Murray Mason of Virginia. The beautiful home of the Chews at Germantown —"Cliveden"—erected in 1761, still stands, and remains in possession of the family. It attained celebrity during the Revolution as the Chew House, around which the battle of Germantown was fought. Sophia and Harriet Chew were great favorites with Washington, and he saw much of them while Congress was in session at Philadelphia. When Washington sat for his portrait to Gilbert Stuart at the artist's house in April, 1796, it is related that he was several times accompanied by Harriet Chew, "whose conversation, he said, should give his face its most agreeable expression." [1] Col. Howard had entered Congress, from Maryland, in 1796.

[1] Griswold's "Republican Court," p. 411.

Charles Carroll, Jr., was twenty-five at the date of his marriage, and tradition says he had been in love earlier with Nellie Custis, the charming granddaughter of Mrs. Washington. A letter from Charles Carroll of Carrollton to his son, dated the 3d of July, has this quaint allusion to the marriage settlement, and the fee to the lawyer, Charles Carroll's relative and old friend, William Cooke. "Mr. Cooke asks a quarter cask of Madeira for drawing the marriage settlement. I have written him that I shall present you this summer or autumn with a but of Madeira out of which you will let him have thirty gallons."[1] In the same letter the father writes: "I cannot be present at the ceremony. A journey to Philadelphia at this hot season would be too fatiguing for me." It will be remembered that at this time a journey to Philadelphia from Baltimore was no light undertaking, and could not be accomplished in less than five days. The young couple established themselves at "Homewood," an estate in Baltimore County, on which Charles Carroll of Carrollton had built for his son a handsome brick residence, which is still standing, attracting the admiration of modern architects.[2]

One mile south of "Homewood" was the Patterson place "The Homestead" where Jerome Bonaparte and his brilliant American bride lived for the one short year of their ill-starred alliance. The hills around the growing young city of Baltimore were

[1] Family papers, Hon. John Lee Carroll.

[2] "Examples of Domestic Architecture in Maryland and Virginia." By James M. Corner and E. E. Soderholtz. Boston, 1892.

adorned with the country homes of many of its prominent citizens, most of them included since within its corporation limits. The neighboring residence to "The Homestead" was "Green Mount," now a cemetery, but then the handsome estate of Robert Oliver. At "Druid Hill," Baltimore's beautiful park, lived Col. Nicholas Rogers, a Revolutionary officer who devoted his last years to the delights of landscape gardening. Col. John Eager Howard had brought "Peggy Chew" from stately "Cliveden" to a newer but even more imposing home in Maryland, lovely "Belvedere," now a most valuable city property. Among Col. Howard's liberal gifts of land to Baltimore was the ground on which stands the Washington Monument. He was wise enough, however, in his bequests to provide that "Belvedere" should not be swallowed up in the city's progress. When in 1784, he subscribed a certain amount of money for opening Calvert Street, he gave it with the condition that the street should not be made to run through his grounds. "Beechwood," the home of Robert Gilmor, lay on an elevated site west of Baltimore, overlooking the wide river. And nine miles from the city rose the walls of palatial "Hampton," built by Capt. Charles Ridgely of the Continental Navy, in 1783. This place remains to-day in the Ridgely family, and like "Doughoregan Manor," it is kept up in all the pride and beauty of these years of which we write. Mary Caton lived with her husband at "Brooklandwood" another handsome estate not far distant, at the entrance of what is known as Green Spring

DOUGHOREGAN MANOR.

MARYLAND.

Valley. And here the lovely Caton sisters were to grow up, three of them marrying abroad, later, into titled English houses.

Other country-seats nearer Washington, where lived Charles Carroll's relatives or friends, were "The Woodyard," "Poplar Hill," "Melwood," "Bel Air" and "Oxon Hill," the homes of the Darnalls, Sewalls, Diggeses, Ogles, and Addisons. The easy social life of the Southern planter and country gentleman, Charles Carroll of Carrollton would now have leisure to enjoy, unimpeded by calls of public duty. But in this the last year of the Federalist administrations, he had many misgivings for the future of his country which was to exchange the policies of Washington and Adams for the untried system of Jeffersonian Democracy. In a letter written to his son, a few months after the latter's marriage, he expresses the same views confided to Hamilton, and he seems to fear anarchy, and to contemplate seriously the possibility of being driven into exile. He writes from the home of Mrs. Caton, (from which place he had dated his letter to Hamilton of August 27th) and he had just been on a visit to Col. Howard.

BROOKLANDWOOD, 23rd Oct., 1800.

DEAR CHARLES:

I got here last night more than two hours after sunset. Mr. Caton accompanied me from Belvedere. We were overtaken with a thunderstorm about three miles from this place, and heavy rain. We took shelter and remained upwards of an hour in a poor cottage where we sat during the height of the storm by a comfortable fire.

The good inhabitant, a mother, was giving supper to her three children ; it consisted of boiled Irish potatoes and milk. They ate their supper with a good appetite, and were immediately put to bed. What do you think were my thoughts during this scene ? It occurred to me that in the course of a few years I might be driven into exile by the prevalence of an execrable faction, and forced to shelter in as poor a hovel the remnant of a life, a considerable part of which had been faithfully devoted to my country's service. I reflected, however, that if this turn of fortune should fall to my lot, that very little would support nature. This train of thought brought forcibly to my mind the wise lesson of Ulysses to one of the suitors. You will find it in the 4th volume of the Odyssey. It is well worth your perusal and observance ; the poetry is fine, the advice worthy the wisdom of the much enduring and experienced man, and the morality truly sublime. Such reflections are necessary and should be frequently entertained in times like these, by men whose present prospects are bright and promising. They serve to prepare the mind for adversities, and enable us to bear the frowns and snubs of Fortune with resignation and fortitude. A mind thus lectured and tutored, will derive self-satisfaction from the consciousness that it will remain firm and unbroken in the midst of adverse storms. Can the pitiful pleasure resulting from a fine equipage and the gratifications of wealth, which the greatest villains may enjoy, be compared with this firm and steady temper of the mind, and its advantages ? . .

Give my love to Harriet, and kind remembrances to her sister Maria and the rest of the family. I called Tuesday on Mrs. Howard. She and the children and Miss Nancy were well. They will remove next Friday from the country to Belvedere. Enclosed is a letter for

Maria which I forgot to leave with Nancy Lloyd to be put into the post-office. I hope Maria will excuse this forgetfulness. I send you also a letter from your acquaintance Geraw which I opened through mistake, thinking it addressed to myself. Mr and Mrs Caton desire to be kindly remembered to you and Harriet and the dear family.

Be frugal, be thoughtful, be methodical. You will have great occasion for the full exercise of all these qualities. Your affectionate father

CH. CARROLL OF CARROLLTON.[1]

Extracts from other letters of Charles Carroll to his son, written in 1801, are interesting as revealing his fine character, his piety, and his prudence and exactness in the conduct of his affairs. And his political speculations, curiously incorrect as they proved to be, exhibit the old apprehensions of a too feeble "confederacy," with the resulting effect of its early dismemberment, which he shared with most of his party.

ANNAPOLIS 30th January, 1801.

. . . I am glad to hear that you and your wife both look very well, tho' you complain of not being well, for want of occupation and exercise. Homewood should occupy you and the weather, excepting a few days past, has been well suited to exercise.

You must exercise not only your body, but mind, both will become torpid and diseased, if exercise and study be neglected and disused. Accustom yourself to think, and when you read, read with attention, and for im-

[1] MS: Letter, owned by Hon. John Lee Carroll, published in part in *Appleton's Journal*, Sept. 19th, 1874.

provement, not to kill time, which always hangs heavily on idlers. Pursue this method; after you have been reading till your attention begins to flag, reflect on what you have read, examine the justness of the author's thoughts, and compare them with your own on the same subject; if it be scientific and argumentative, examine whether the inferences are logically drawn from the premises; if merely literary, endeavour to treat the same topic, and try whether you can express your sentiments as justly, as neatly and concisely as the author. The most beautiful thoughts are always expressed in the plainest language which ought to resemble the dress of an elegant woman, and be *simplex munditiis*. The most sublime and affecting passages in Virgil, and even in Shakespeare, who is too often turgid, are clothed in such language. It is this charm which endears the poetry of Pope to every classic reader of taste.

In improving your mind, remember your God. The fear of the Lord, says the wise man, is the beginning of wisdom; without virtue there can be no happiness; and without religion, no virtue; consider yourself as always in the presence of the Almighty, if this sentiment be strong and vivid, you will never sin or commit any action you would be ashamed to commit before man. *Vitæ bene anteald*, says Tully, *jucundessema est recordation;* and Pope sings: 'and peace, oh virtue, peace is all thy own'. God bless you."

"*8th February*. . . I wish you to learn the value and real use of money; perhaps experience may teach you this useful and necessary lesson; but reflection is necessary to acquire it, and energy of mind and personal activity and firmness are not less so to conduct your affairs to advantage.

The story you have related of Adams is conformable

to his character. I have given him up since the receipt of Mr. Henry's letters; neither Jefferson or Burr can make so bad a president as Adams, had he been re-elected; it is fortunate indeed for this country that he was not. I hope Burr will be chosen by the House of Representatives. I had some hopes, before I read Jefferson's letter published in the *Federal Gazette* of last Friday, that he would, if elected, administer the government wisely, and thus if not extinguishing party at least moderate its excesses; but it is impossible, if the sentiments disclosed in that letter are his *real* sentiments, that he can act with wisdom. The man who entertains such ideas is totally unfit to govern this or any other country. If he does not think as he writes, he is a hypocrite, and his pitiful cant is the step ladder to his ambition. Burr, I suspect, is not less a hypocrite than Jefferson; but he is a firm, steady man, and possessed, it is said, of great energy and decision; the other poor creature, will be afraid of using his constitutional powers in defence of the people, lest he may offend these ignorant and suspicious sovereigns. Thus will the powers of the general government, at least the executive part of it, be benumbed and gradually usurped by the larger States and so will terminate the Union, if Jefferson should continue President for eight years. . . .

"*Annapolis, 12th February:* My affairs at present are in good order, my accounts clear and regular, and in the condition I hope to leave them when I depart hence." [1]

On the first of May, 1801, Catharine Carroll was married at Annapolis to Robert Goodloe Harper of South Carolina. This gentleman, eminent as a lawyer and as a statesman, was born in Virginia

[1] Family papers, Hon. John Lee Carroll.

in 1765. As a boy of fifteen he had fought under Greene in the Southern campaign. Sent to Congress from South Carolina in 1794, he developed later into a leader of the Federalists, and was considered one of their ablest debaters. He made his home in Maryland after his marriage, entering the U. S. Senate in 1815. Many of Charles Carroll's letters to this son-in-law are extant, and with those to his son, supply a record of the patriot's life for a long period, as far as that could be manifested in an intimate and affectionate correspondence.

Charles Carroll of Carrollton wrote to Charles Carroll, Jr., from "Doughoregan," July 10th, 1801: "Do not neglect to attend to this matter [some business concern]. He who postpones till to-morrow what can and ought to be done to-day, will never thrive in this world. It was not by procrastination this estate was acquired, but by activity, thought, perseverance, and economy, and by the same means it must be preserved and prevented from melting away." Charles Carroll speaks in this letter of going "to Carrollton the latter part of September," his usual time for visiting this plantation. The birth of a grandson and namesake on the 25th of July, 1801, is thus alluded to in a note of congratulation dated the following day: "I sincerely rejoice with you on the recent happy event, the birth of your son. May this child when grown to manhood be a comfort to his parents in the decline of life, and support the reputation of his family."[1]

The letters to Robert Goodloe Harper are full

[1] Family papers, Hon. John Lee Carroll.

of allusions to public affairs. Writing from Annapolis, March 10th, 1802, Charles Carroll says: "I have read Giles' speech. It is the most specious which I have seen on that side of the question, and I suspect that Jefferson, Madison, and Giles have clubbed heads to produce that artful piece of sophistry, for in reality it is destitute of sound argument, and is convincing proof to my mind that these men are acting against their own conceptions of the true meaning and spirit of the Federal Constitution." [1]

Other letters of 1802 to Harper are as follows:

"*Annapolis, March 14th:* I have just heard two pieces of intelligence which if true are both important. That the Spanish government has purchased from the French, Louisiana, for twenty millions of dollars and that our bank stock claim has ceased to be an object of diplomatic negotiation, and is remanded back to the Court of Chancery for a legal decision, and that the same commissioners are to proceed in the liquidation of debts due from American citizens to British subjects. If this last intelligence be true it looks as if the British ministry were bent on quarrelling with this country, or that it is no object with them to have a good understanding, and be on a friendly footing with us. Dr. Murray who has just left me, says that Mr. Whittington brings from the seat of government these articles of news. The first I hope is true; the second I am not sorry for, as in my judgment so plain a case as the right of this State to its stock in the Bank of England ought never to have been taken out of the Court of Chancery and submitted to negotiation.

[1] Family papers, Mrs. William C. Pennington.

I can scarcely credit all the news ; if the British cabinet insist on the same commissioners going on and ascertaining what debts the general government must pay, Congress must give up the idea of repealing the internal taxes, for McDonald and his associates will award to British subjects at least $20, 000,000 if they act upon the same principles which guided their former conduct."

"*Doughoregan, July 4th :* I had formerly stipulated with my slaves claiming freedom as descendants from Joyce, that I would abide by the issue of the trial of Charles Mahoney. The council for the petitioners informed me that if I would renew that stipulation and extend it to the event of the trial to be had next October term, they would not file petitions for freedom against me. . . . The question on which the Court of Appeals differed from the General Court was that if Joyce being a slave was carried to England and from thence brought to this country her issue did not by such event become free. When the former trials were had in the General Court, the council for Ashton urged the jury to find in their special verdict that, Joyce was a slave in Barbadoes, and was thence carried to England by her master and sold to Lord Baltimore, but the jury refused to find this fact ; they found only that Joyce came from England with Lord Baltimore. And if on the trial to be had in October the jury should be of the same opinion, the petitioners for freedom will succeed, the Court of Appeals having on the last point affirmed the judgment of the General Court. The only material fact is, *where did Joyce come from to this country?* If from England, Ashton must prove she was carried there as a slave. I think the weight of testimony on the former trials was contrary to that fact, and so the juries found."

"*December 10th :* It is reported here, but I suspect

without foundation that *Thomas* the great man, begins to be tired of his friend *Paine*."

"*December 14th:* Jefferson and his chief partisans at the seat of government may pretend to be disgusted with *Paine*, but that they are really so I do not believe. They find his late publications injure their cause with some of their own party, and therefore they may wish to discard the author, but his political principles are approved by all of them, and his abuse of Washington by several, and I fear very many of them approve of his blasphemous writings against the Christian religion." [1]

Charles Carroll of Carrollton was one of three gentlemen who were deputed by the Governors and Visitors of St. John's College in March 1803, "to publish an account of the state of the college, and of the advantages it possesses and may afford." [2] In continuing the excerpts from the correspondence with his son-in-law, we find Charles Carroll writing much of European politics, and the great Napoleonic wars then absorbing the attention of the civilized world, and indirectly affecting the interests of the United States.

"1803, 25th *April:* Notwithstanding the dispatch to Yrou [D' Yrujo] I am still of the opinion that Bonaparte directed his master to instruct the Intendant at New Orleans to shut that port against us, to feel the pulse of the western people and thus to appreciate the public sentiment of the United States, and to act accordingly as the temper of this country and the existing state of things in Europe might suggest the properest mode of proceeding with us. Seeing the probability of war be-

[1] *Ibid.* [2] Riley's History of Annapolis, p. 210.

tween France and England, Bonaparte, I suspect, has ordered the King to countermand his former instructions and to send those forwarded to Yruo [D' Yrujo] by the late arrival. If war should take place between England and France, I hope the first expedition of the English will be against Louisiana and the two Floridas, and if conquered that they will sell to the United States both those provinces."

"*Doughoregan 8th June*: By some late English newspapers and a letter from Mr. William Cook, Senr., I perceive that Malta is not the principal cause of difference between England and France. Bonaparte is using every art and all his influence to exclude the British manufacturers from the continent of Europe, and I suspect has prevailed over the countries over which he has supreme control, to pass laws against the introduction of British wares and merchandise. This surely is war in reality though not in name, and the ministry of Great Britain seemed determined not to suffer France to trade as long as Bonaparte pursues such hostile measures against the commerce of England. Yet why have they permitted several vessels with troops for St. Domingo to sail from Dunkirk and other ports of France? If Bonaparte lives and rules, war between France and England is inevitable in my opinion. As soon as the English can get a sufficient force at sea, I expect they will block up all the ports of France."

"*Doughoregan, 23rd June*: By the last intelligence from Belfast the probability of war is greatly increased, but that event was not decided when Capt. Barber sailed. It appeared that Lord Whitworth was expected in London in a few days, and that Andreossi had applied for his passports, yet I cannot help thinking that Bonaparte will concede some points, and try to renew the

negotiation to spin it out and to gain time. He cannot be prepared for a naval war with England, and the invasion of that island in the face of so great a superiority of her power at sea would be a most rash attempt, which would probably terminate in a signal defeat, and the loss or capture of many ships and 50,000 men ; such an event might shake the consul's throne and restore the monarchy to the ancient line of the Bourbons. Depend upon it the present administration will not join Great Britain in a war against France. Bonaparte will feed Monroe with fair and fine promises, and those will be accepted and depended on ; great advantages will be promised to the United States, perhaps a free trade to the French colonies on the same terms with the trade of France to those colonies for a limited period after the termination of the war with Great Britain ; a perpetual grant of deposit to New Orleans, the free navigation of the Mississippi.

I am of opinion it would be good policy to unite with Great Britain against France and her allies, seize upon all the country to the east of the Mississippi, and under cover of the British fleet land 30,000 men in the province of Yucatan, march to Mexico, then to Peru, and to declare the Spanish colonies independent, and their independence to be guaranteed by Great Britain and the United States. If we enter into the war I am not for doing things by halves. If Monroe is instructed to negotiate only for the right of navigation through the Mississippi, to be acknowledged by France as a *perpetual* right, secured to us by the treaty with Spain, and binding on France, I make no doubt those terms will be readily acquiesced in by Bonaparte, and it is not probable that our pusilanimous administration, so averse to war, standing armies and expense, would dare to ask for more ;

if so could our government, if now inclined, recede from these terms? Have our rulers had the foresight to instruct Monroe not to be too precipitate in unfolding his terms, but to act according to appearances of peace or war between France and England? If they have neglected to instruct him so to act, in this as in most of their measures, they are extremely reprehensible. When Monroe left this country negotiations between England and France were going on, and it was known here that no good understanding subsisted between these powers. Surely our Cabinet have enjoined Monroe to avail himself of the event of the differences between those two nations not being amicably settled."

"*Doughoregan, 10th July*: The acquisition of Louisiana is a fortunate event for the United States, if obtained without a clause or article which may involve us in a war with Great Britain. I do not like that part of Mr. Livingston's memorial relating to the right of search claimed by the British. The right in the memorial is considered as an usurpation, which ought to be resisted by neutral powers when in condition to oppose to it an effectual opposition. Do you know the bounds of Louisiana as claimed by France previously to its surrender to the Spaniards in 1763? When does our treaty with Great Britain expire? If the French after the cession to the United States of Louisiana, should be permitted to trade to New Orleans on the same footing with Americans, paying no greater duties, would not the English in consequence of Jay's Treaty be entitled to the same privilege?"

"*Doughoregan, November 10th.*: What think you of the Louisiana business? Will the Spaniards resist if we should endeavour to take forcible possession? If there should not be an understanding between France and

Spain in this transaction (but I suspect they act in concert) the opposition of Spain to our taking possession of the ceded country may draw Spain into a war with France; in that event England and Spain will become allies, and how are we in that case to possess ourselves of Louisiana? If force be used it probably will not succeed and should we succeed Spain will declare war against us; England cannot as the ally of Spain, assist us, and the superiority of the Spanish naval force will annihilate our commerce. I fear the acquisition of Louisiana from France by purchase will involve this country in serious difficulties."

"*March 12th:* I cannot agree in opinion with General Hamilton that should Colonel Burr be elected Governor of New York, his election would cement the union [of] and increase the Democratic party. Where seeds of such deadly hate have been sown no true reconciliation can grow. The Jeffersonians and Burrites are at open hostility; those parties can never again coalesce, their breach is too public and wide. If the election of Burr should destroy the influence of the Jeffersonian and Clintonian factions in the State of New York, it is probable that from Pennsylvania eastward, the Jeffersonian party will decline and be extinguished in the course of two or three years. I have hopes such an event would have a happy effect on this State; on the contrary should Judge Lewis be elected Governor, the Clintonian or Jeffersonian faction (I consider these two parties acting at present with the same views) will acquire strength and consolidation."

"*April 19th:* By the *National Intelligencer* of the 15th instant, I perceive the votes between Gilman and Langdon so far as known were even, and that it was certain that Langdon would have a handsome majority when all the votes were collected, and that the Democrats, falsely

styled in that paper Republicans, would have a majority in both branches of the New Hampshire legislature. I hope this account will not be confirmed."[1]

In 1805 took place the famous impeachment trial of Samuel Chase. He was then nearly sixty-four, and is described by Sullivan as "a man of herculean frame and vigorous mind; a learned and honest man no doubt, but not of courteous manners on the bench."[2] Like Luther Martin, Chase had been metamorphosed from an Antifederalist into a "bull-dog of Federalism," and as an associate judge of the Supreme Court he had made himself odious to the Democrats in the government prosecutions during the Adams administration under the famous Sedition law. His conduct of these cases subjected him to the charges of partisanship and unfairness, and there were other counts against him of a similar character. Charles Carroll of Carrollton, however, looking upon the trial with the bias of the Federalist, gave Chase his sympathy, and regarded the impeachment with the greater interest as his son-in-law was selected as one of the counsel for the defence. Several of the following letters to Robert Goodloe Harper refer to this subject.

"*Annapolis 12th January 1805:* I see the Senate have given Mr. Chase only to the 4th of next month to put in his answer; can he possibly be prepared to make his defence so soon, or can his counsel be prepared in that time to do justice to his cause. It is reported here that

[1] Family papers, Mrs. William C. Pennington.

[2] Sullivan's "Familiar Letters," p. 200.

Colonel Burr is very intimate at the President's. Can this be true after the abuse he has met with from the President's partisans in the public prints?"

"*February 24th:* I thank you for the answer of Mr. Chase to the articles of impeachment which you sent by Mr. J. T. Chase with the Athenian Letters which are received. The answer of Judge Chase in my opinion is a very able, perspicuous, firm and temperate defence of his conduct, and a most satisfactory refutation of the sundry charges contained in the articles. I sincerely hope the same judgment will be formed by his judges. From your letters to Kitty of the 21st and 22d, which she received by Saturday's mail, we entertain great hopes that Mr. Chase will be honorably acquitted; this event should it take place, may affix a stigma on the party which originated the prosecution upon such slender grounds. But upon the decision of a party (two thirds of his judges being of it) I can place no dependence; instances of the most flagrant injustice in trials on impeachment occur in the history of England. Nothing can exceed the iniquity of the judges who condemned the Earl of Stafford, implicated in the ridiculous, contemptible plot fabricated by Titus Oates."

"*February 28th:* This day has determined whether a sense of justice has overcome the blindness and bitterness of party zeal in one third of the judges of Mr. Chase. It is reported here that, he will be acquitted by a majority. I cannot bring myself to be of this opinion, however desirous I am of its being realized. When I reflect on the baseness of the measures which have given the ascendency to the ruling faction, their abuse of power obtained, and violations of the Constitution to perpetuate it, I despair of Mr. Chase's having even a third of the Senators in his favor. *P. S. March 3rd:* I rejoice at the

acquittal of Mr. Chase. I consider it a triumph over party spirit; but do not the votes against him on some of the charges justify in a great degree the severity of my censure and judgment passed in this letter, on the faction? The charges of which eighteen votes found him guilty, appear to me as little liable to censure, and to warrant his condemnation, as the one of which thirty-four acquitted him."

"*Doughoregan, June 28th:* Great events may be expected from the large armaments in the West Indies. If the English Government be not too much distracted with party squabbles, it has now an opportunity by sending ten or twelve more ships of the line to join Bickerton's [here the seal has torn the paper] block up the French and Spanish fleet in Martinique, when the crews will probably in the course of a few months, from the want of provisions and the diseases of the climate, lose two-thirds of their number; and in the same proportion and from the same causes their land forces will decrease in the same time."

"*July 2d:* I am much pleased at the reversal of the absurd opinion or decision of the General Court in the case of the Roman Catholic clergy. The bishop [Bishop Carroll was then on a visit to the Manor] informs me you have also succeeded in the case of the mandamus. Do send by my son's servant, Tom, the latest newspapers. Do you not think the British naval affairs are not conducted with the same spirit, energy, and promptitude which distinguished its operations in the last war?"

"*July 4th:* Before the British ministry can equip a fleet sufficiently strong to cope with the combined squadrons in the West Indies and detach a body of land forces to oppose those of the enemy, it is probable several of the English islands will be taken or ravaged;

except Barbadoes and Jamaica, none of the others I apprehend, can make much resistance ; disunion and sickness of the crews and troops of France and Spain may perhaps save the islands."

"*Annapolis, 24th February, 1806 :* A report is in circulation here that our government is in treaty with Spain for the purchase of the Floridas for which seven millions of dollars are to be given, and all Louisiana on the west of the Mississippi to be ceded to that monarchy. I cannot credit this report, the bargain would be too disadvantageous to this country, and the Senate, I presume, will not sanction such a treaty, though the Executive should be willing to make the sacrifice to obtain peace. An exchange of that part of Louisiana lying on the west of the Mississippi for the Floridas might be a desirable exchange if Spain were to pay us fifteen millions to effect it. I suppose West Louisiana is at least five times as large as the two Floridas, and in point of fertility of soil and healthfulness of climate there can be no comparison between the two countries. Is not the disproportion between them in these respects richly worth fifteen millions of dollars? I would wish you to bring with you Mr. Madison's pamphlet in support of the direct intercourse in time of war of our city merchants between the colonies of France and Spain and the mother countries. Does he admit the legality of our carrying from those colonies their produce to France and Spain, remaining the property of the colonists, or of the merchants of those countries ? If he does not, what satisfactory evidence can be given that the produce of those colonies has become *bona fide* American property ? Clearances from those ports certifying the cargoes to be purchased by and to belong to citizens of the United States, and the oaths of the masters of the vessels and supercargoes

to the same effect will not be admitted, I presume, in British tribunals, as sufficient evidence of a *bona fide* transfer of the property shipped on board of such vessels.

"If the account in the *Courier* of the 19th December, of the battles of the 2nd, 3rd, 4th, and 5th, of that month should be true, and that the Archduke Charles had given Massena the slip and joined the Archduke John, and the Hungarian levy, and if the King of Prussia should act with vigor and decision against the French, the Emperor Napoleon may find it much more difficult to regain the frontiers of France than to have penetrated with little loss into the heart of the Austrian dominions. Time alone will clear up these uncertainties. Napoleon must have been confident of a final success in the war when he rejected the proffered mediation of Prussia for peace, but the bloody battles between him and Alexander had not then taken place; adversity may teach him moderation, and he may be induced by a reverse of fortune to accept of terms less favourable than those which were offered him by Prussia. The insurrections Napoleon is said to have endeavoured to excite in Poland to enable the Poles to regain their independence must rouse the jealousy of Russia, Prussia, and Austria, and those monarchs will no doubt strive to restrain all future attempts of the kind by curtailing the power of the French Emperor."

"*March 4th:* I have seen the account of the decisive victory gained on the 2nd December over the combined Austro-Russian army by Napoleon, and that the two Emperors have been compelled to make peace, or at least to submit to an armistice which must be followed by a peace which will leave to Bonaparte a great and preponderating influence on the Continent of Europe.

Will England have the spirit to continue the war? Will not the faction opposed to Mr. Pitt force the British government to make peace? A peace, should it be made under present circumstances, that will probably terminate in the subversion of her constitution and power. I hope England will continue a naval war; we, in my poor judgment should make an alliance offensive and defensive with her, and raise an army of twenty-five thousand men, and under the British flag transport them to Mexico, and with the co-operation of an English army and navy render Mexico and Peru independent. This measure would cut off the resources of France in a great degree, and open an extensive and lucrative trade to England and this country. Although our government has committed itself by the *Miranda* business, I suspect it will court the friendship of France by declaring war against England in order to do away [with] any unfavorable impression its knowledge of that expedition and its connivance at it may make on the mind of Napoleon. From the paper I have read, I have no doubt of the truth of the account from Bordeaux, at least in substance; matters may be exaggerated, but that Russia will be obliged to withdraw from the coalition, abandon Great Britain, and perhaps form another armed neutrality, there is every reason to fear. Austria must implicitly submit to the dictates of Napoleon. Nothing is said of Prussia. Has not the King of Prussia done enough to draw on himself the resentment of Napoleon? The papers of this evening will probably contain further details.

"*P. S.* I have read Thursday's gazette. If Napoleon should offer moderate terms of peace to Great Britain I fear the opposition will force the ministry to accept them, and in ten years if the Emperor of the French should live so long, he may have a navy able to cope with that

of England. It is true Europe must feel its degraded state, and its sovereigns if possessed of energy and wisdom, and a sense of honor, will endeavour to emancipate themselves from the thraldom of France. If England continues the war opportunities may be presented of reducing the power of France, and these will assuredly be embraced by the powers of the continent. If the French present a true state of facts the Russians have acted with great stupidity."

"*April 9th :* Do you believe the letter from Germany giving an account of the disgrace and punishment of several Austrian officers of high rank to be authentic? If true no wonder the Austrians were so shamefully defeated. Russia and England are the only powers now able to cope with Napoleon, and I fear if Fox's politics prevail in the cabinet of London, that, England in a few years will share the same fate as Germany, Italy, Spain, Switzerland, and Holland." [1]

Charles Carroll of Carrollton sat for his portrait to Field, the artist, in the summer of 1803, and it is interesting to know from his letters to his son what he and his family thought of the likeness. He wrote to Charles Carroll, Jr., from the Manor, August 9th: "Mr. Field has begun this day my picture. It is thought the resemblance will be strong. I shall offer him $40, which if I am not mistaken you told me was his price for such a portrait of the size of the one he drew for McDowell." And again on the 29th, Charles Carroll writes: "Your sister Caton thinks, as you do, that Mr. Field has not given sufficient animation to my portrait. I think, however,

[1] Family papers, Mrs. William C. Pennington.

it is well executed, and all who have seen it say the resemblance is striking, but in my opinion it conveys the idea of a much larger man than I am."[1] This portrait, engraved by Longacre, is found prefixed to the Carroll memoir in Sanderson's "Biography of the Signers."

Trouble had visited the "Homewood" family in 1805 and in 1806, in the latter year through the death of an infant, and words of wise Christain philosophy, and parental sympathy are written to Charles Carroll, Jr., by his father on these occasions:

"*Doughoregan, 31st October, 1805:* We should not set our hearts too much on anything in this world, since everything in it is so precarious, as health, riches, power and talents &c, of which disease, revolution and death can deprive us in a short time. Virtue alone is subject to no vicissitudes. In the hour of death, when the emptiness of all wordly attachments is felt, it alone will console us, and while we live soften the calamities of life, and teach us to bear them with resignation and fortitude."

"*August 12th, 1806*: Immediately on the receipt of your letter I gave orders to Harry to take up some of the pavement of the Chapel to have the grave dug for the earthly remains of your poor little infant. To soften the loss of this dear and engaging child, the certainty of his now enjoying a glorious immortality will greatly contribute."[2]

The homely things of home, its quiet pleasures, as well as its sacred sorrows, have their place in

[1] Family papers, Hon. John Lee Carroll. [2] *Ibid.*

Charles Carroll's correspondence with his children, interspersed with his opinions on foreign wars and domestic politics. He writes to Mr. Harper in 1804, about a servant, James, that he thinks of buying from Mr. Ogle for "Kitty," but he is careful to tell the man's owner that he will neither hire him nor buy him unless he is willing to come. He is to be bought for a term of five or seven years, and "$500 is a great price for a seven years' servant."

The modes of travelling in the early years of the century, attract our notice. The Catons propose to go from Annapolis to Baltimore in January, 1805, in a "sled," the weather and the roads permitting, and Mrs. Harper is to send her little boy with them, wrapped up in blankets, as "he will be less exposed to the cold in this way than if he went in the stage." In the following July, Mr. Harper, who took the stage in winter, is driven by "Luke and Bill" in his "coachee" from Baltimore to Washington. The Harpers have also their country home, "Oakland," which they occupy when not in Annapolis or Baltimore.

There are visitors to "Doughoregan," coming and going: "I send my servant with a led mare to bring Miss Nancy Robinson to the Manor," writes Charles Carroll to his son in July, 1806. "Mrs. Rogers," he writes in the following month, "who returns to town after breakfast, has been so polite as to take charge of the pears and grapes which I informed you in my letter I should send." The Catons and Mrs. Harper were at the famous Ballston Springs at this time, where "Kittie" had recovered

her health, her father says, "is in good spirits and danced a country dance." In July, 1807, Charles Carroll who had just been staying at "Brooklandwood," and was then visiting his son, wrote to "Kittie's" husband of the great ball that was to come off that evening, the 2d, at "Hampton," and he adds: "Mrs. Patterson, Betsy and Louisa are invited [these were Mrs. Caton's daughters] and will make a part of the three hundred persons who have received invitations."

In the following extracts from Charles Carroll's letters to his son, who was part of this time visiting in Philadelphia, the retired statesman is seen to make many shrewd guesses, and keen observations, as to the great game of war and politics going on in Europe. And it is amusing to read of his intolerance of "Democratic principles." The aristocratic spirit of the Southern planter allied itself with Federalism in Carroll's case as in Washington's—"Republicans" as they were.

"*1806, September 3rd:* Fox, I find has made peace with France; the conditions are not yet known, but I have no doubt of their being dishonorable, unsafe and highly disadvantageous to England. I had begun to entertain a more favorable opinion of this man, when the papers announced his determination to prosecute the war till an honorable and safe peace could be obtained. It is however, I find, impossible for a man tainted with democratic principles, to possess an elevated soul and dignified character; in all their actions and in all their schemes and thoughts, there is nothing but what is mean and selfish. God bless you."

"*Doughoregan, 7th October:* If Russia has concluded a separate peace with France without the knowledge of the British Cabinet the inference that the New Prussian ministry is favorable to the views of Napoleon may be fairly drawn, and I think it very probable that France and Russia will divide between them the Turkish dominions in Europe, and I think it also very probable that Napoleon on the death of the present King of Spain will fix one of his brothers on that throne, and annex immediately Portugal to the Spanish crown. In that case no doubt the royal family of Portugal will fix the seat of their government in the Brazils, and will be followed by most of the grandees and men of property. These measures will force Great Britain to continue the war, and to attempt to render the Spanish colonies on the continent independent of Spain, and to take possession for herself of all the French and Spanish West India Islands—the Philipine Islands will fall of course.

If our country is directed by wise and vigorous councils we should make a common cause with Great Britain in this attempt. It is our interest to, and in my opinion our existence as an independent nation depends on lessening the power of France, which nothing will do so effectually as by cutting her off from those commercial resources which she will draw from the Spanish colonies, if not rendered independent.

England must rule the Ocean, and to secure to herself its permanent dominion she must cut up root and branch the trade of France. During the war the superiority of her marine will effectively do this; but she must also deprive France of having an extensive commerce in peace. Excluding her from all intercourse with the East and West Indies for a limited time after peace is made, will tend greatly to circumscribe her

commerce; but how is this to be effected? by stipulating with the Spanish provinces of Mexico."

"*Annapolis, 20th October:* The two French men-of-war, the *Patriot* and the *Eôle* are still here, and will probably remain the whole winter; without considerable repairs they cannot return to France, even in peace, and how they will be repaired without money or credit they are at a loss to tell. Perhaps their minister Turreau may apply to our government for money; in case of peace between England and France *a request even to borrow money may amount to a demand on our Executive.*

The État Major of the *Eôle* gave a very handsome entertainment on board the ship to a large company of citizens (ladies and gentlemen). I had an invitation, but did not accept it, having been busily engaged the whole of last week. I have not yet seen any of the officers, not having leisure to entertain them before my return from the Manor. I shall not probably return to Annapolis before the middle of next month. I then mean to visit the two captains of the *Patriot* and *l'Eôle* and have them and some of their officers to dine with me. God bless you and grant you happiness here and hereafter."

"*Annapolis, 21st November:* The French officers belonging to the *Patriot* and the *Eôle* off this city have rendered themselves very agreeable to the citizens, and to do the sailors justice they are quiet, orderly, and civil. I waited yesterday on Krom, the captain of the *Patriot*, and on Picot de la Croix, the captain of the *Eolus;* the former was out of town, the latter I saw. I intend to have them dine with me on Thursday next, with some of their officers.

If the English ministry have wisdom and firmness, they have it in their power to render Spanish America

independent. During the war they must keep possession of the seaports of Mexico and Peru, and in the other provinces; probably it will be their interest to keep the province of la Plata as a colony, and stipulate for its cession by the treaty of peace, as also for the independence of all the Spanish colonies on the continent. They ought to raise an army in those colonies, and with a part of it in conjunction with their own troops, conquer the Island and retain it as a colony by the peace. If all this be done England will form a counterpoise to the power of Napoleon. As to a renewal of the war on the continent I have great doubts; but very little, should it take place, that the coalesced powers will be defeated by the French."

"*December 13th:* The poor Prussians, I find, have been dreadfully mauled by Napoleon. I fear Prussia will be compelled to make an ignominious peace. The combined powers manage their affairs badly. However, the decided superiority of the British at sea will bear them out triumphantly, and the conquest of Spanish America (continent and islands) will enable them to continue the war during the life of Napoleon."

"*Annapolis, 4th February, 1807:* I have requested Mr. Caton to write to some trusty person at Tioga to act as my agent for making the compromise with the Connecticut intruders on my lands pursuant to the terms adopted by the other Pennsylvania proprietors of land similarly circumstanced.

Prussia is completely vanquished. I wish Alexander may be firm, and have able and good generals and faithful ministers. The plan of Napoleon to restore the Kingdom of Poland, and to place on its throne his brother-in-law Murat, must unite Prussia and Austria in resisting with all their power this attempt. If they have

good generals, if Alexander will lead his armies to battle under experienced officers, and if the Archduke Charles has the command of the Austrian forces, and the sole direction of the war, the contest will be long and bloody between those two powers and France. The victory will ultimately, I hope, rest on the standards of Prussia and Austria, and the French be driven out of Poland and Germany. Should such be the final issue of the war, it would be for the interest of Europe to have all Germany consolidated into one Empire under the house of Austria."[1]

[1] Family papers, Hon. John Lee Carroll.

CHAPTER VIII.

THE SECOND WAR WITH ENGLAND.

1807-1819.

THE absorbing theme of public interest in the early part of 1807, was the conspiracy of Aaron Burr, and it forms the principal topic in the correspondence of Charles Carroll of Carrollton with his son at this time. In a letter written from "Brooklandwood," November 11, 1806, he thinks the reports concerning Burr greatly exaggerated: "if true he must be in the pay of some foreign power." And he adds: "If the war between England and France should continue, I should not be surprised if Burr should collect 1500 adventurers, seize on Pensacola, from which a few British ships might transport him and his band to join Miranda; in that event it is probable the British would garrison and hold Pensacola, and thus put an end to our intended purchase of the two Floridas, and deprive Bonaparte of seven millions of dollars, unless the bargain be made, which I fear it is, if the negotiations for peace are at an end." Francisco Miranda was a Venezuelan patriot who had undertaken to

bring about a Revolution in Spanish South America, fitting out an expedition in the United States for this purpose in 1806.

"*Annapolis, 4th January, 1807:*

The proceedings of Burr seem to engross the attention of the public; various schemes are imputed to him, resting at present entirely on conjecture. I am inclined to suspect that he contemplates a separation of the western country, and to possess himself of New Orleans, and if the government of the United States should act with vigor and collect a force adequate to the suppression of the revolt, or should a considerable portion of the western people be disinclined to a separation, that he will call in the assistance of some foreign power. Spanish forces are nearest at hand, and Spain will be backed by France, but neither Spain nor France can co-operate by sea during the war with Great Britain, and to me a naval force seems necessary to insure his success by inducing the whole of the population westward of the mountains to establish an independent government. Will Great Britain connive at this interference of Spain and France? That in my opinion will depend on the conduct of our government, which by causing the non-importation act to be suspended only, and not absolutely repealed, instead of conciliation holds out a menace. Great Britain is not to be menaced into a compliance with such even of our claims upon her as are reasonable and just. She may not be displeased with the aid afforded by Spain and France to the views of Burr, as such an interference of those powers may lead to an alliance offensive and defensive between the Atlantic United States and Great Britain, which in my judgment, it is the interest of both to form, to set bounds to the

ambition and power of Napoleon. Such is my view of this subject.

If the Spaniards have retaken Buenos Ayres, the reinforcements sent from England in October, will not I suspect be able to make a second conquest of the country. The Spanish captain de Liniers appears to combine judgment, courage and activity. He will raise considerable forces, especially of horse, and will have time to discipline them tolerably well by the arrival of the English reinforcements, who not expecting such an event will come unprepared to carry on such military operations for the conquest of the country which the nature and situation of it seem to require. A large body of horse will be necessary to protect the infantry in an open and flat country, they will want also many gun boats, and armed vessels drawing but little water to ascend the Plata. The campaign will probably be opened by the seige of Montevido, which, if taken, will not give them possession of the country unless they can possess themselves of the capitol. How are they to ascend the river from Montevido to Buenos Ayres without an armed flotilla to oppose the Spanish flotilla which carried the troops from Montevido? Perhaps it will be necessary to transport from England the frames of gunboats and of other vessels calculated to pass over shallows, and to put them together on their arrival at Montevido. All this will require many months to complete, and when all the necessary apparatus of offensive war is ready 10,000 good troops will be necessary to insure success."

"*January 16th*: I have seen a New York paper of the 12th inst. which seems to confirm my conjectures respecting Col. Burr mentioned in my former letter. I am of opinion he acts in concert with the Spaniards, and that the expedition to Mexico is held out to entice adventurers to his standard with the hopes of plunder; to

invade Mexico New Orleans must be taken ; the attack and capture of that city will render his adherents guilty of high treason against the United States ; having incurred this guilt they must adhere to their leader or leaders, and to secure themselves against the penalty of the law, they must erect and establish a separate and independent government, in doing which I have no doubt the Spaniards covertly or openly will assist them. The former maneuvres of Spain and the money lately furnished to Col. Burr justify this opinion.

" Burr conceives that Great Britain will not interfere with his schemes or lend its aid to counteract them unless a treaty of alliance offensive and defensive should be formed between that Power and these United States, which he is probably persuaded the prejudices of the ruling faction in this country will prohibit. In this opinion should he entertain it, he will probably be mistaken ; the Democrats are a servile and timid crew, and to keep themselves in place they would make a treaty with the devil himself, and would break it as soon as their interests might seem to render its breach subservient to their other schemes—the principal difficulty will arise on the part of Great Britain ; that government will not trust ours, if it be as well known on the other side of the water as on this."

" *Annapolis, 23rd January :* The day before yesterday two persons arrested in Charleston as accomplices in Col. Burr's treason were brought to the city in the custody of two continental officers, and yesterday they went off from hence to Washington. The name of one of those persons is Swatout, and I think that of the other is Bollman. It is reported that Edward Livingston has been arrested at New Orleans, by General Wilkinson, and sent by water as a prisoner to Washington.

It is given out to be Burr's plan to take possession of

New Orleans, and by holding it to compel the western people to come into his views, and to establish a separate State westward of the mountains. If such should be Burr's plan, it is probable he acts in concert with the Spaniards, and expects to be assisted by them ; if they really abet his schemes, they must be authorized by orders from Madrid, or, in other words, from St. Cloud. Thus what I have long predicted is perhaps going to take place, and that Napoleon will in reality be the master of Louisiana ; for a government independent of the United States cannot be maintained by Col. Burr in that country but under the auspices and protection of a great foreign and naval power. The United States might by fitting out a few frigates, sloops of war and gunboats effectually block up the river Mississippi, unless prevented by Spain and France. Perhaps the Spaniards may permit the produce of the western country to pass from that river into the Bay of Mobile and so on to Pensacola. This we cannot hinder without coming to an open rupture with Spain, which this government seems much averse to, as such a measure would lead to a war with France as the ally of Spain, and eventually force the United States into a treaty offensive and defensive with Great Britain. With great reluctance would such a treaty be entered into by our present Administration. Nothing but dire necessity will compel them to adopt such a measure, the whole faction from top to bottom detest the English and their constitution." [1]

To his son-in-law, Robert Goodloe Harper, Charles Carroll wrote, July 4, 1807, on the subject of the conspiracy, in which, it seems, some persons wished

[1] Family papers, Hon. John Lee Carroll.

to implicate Harper: "Have you received any letters lately from Mr. Bollman? He has written, I am told, two in consequence of a threatened prosecution against you as an accomplice in Burr's conspiracy. Of the inclination of the Administration to prosecute you I have little doubt, but none of your innocence. You have too much sense and principle to have implicated yourself in any of Burr's plans, whatever they were. His situation as to fortune was desperate; distrusted by all parties and hated by his own, he may have meditated some desperate and wicked enterprise, but situated as you are, it would have been the extreme of folly in you to have participated in it."[1] Still closely observing the progress of events in Europe as well as in the United States, Charles Carroll writes to his two correspondents his thoughts fully and unreservedly, upon the passing pageant as the years go by.

"*Doughoregan, 5th Sept., 1807:* The armistice between Napoleon and Alexander will probably end in an humiliating peace of Russia, Prussia and Sweden; those powers will be forced to abandon England, exclude her ships from the Baltic, and perhaps to renew the armed neutrality.

"The British nation has resources to carry on a naval war against France and her allies for 20 years and the means to revolutionise all the Spanish Colonies; but the advanced age of the king, the profligate character of the heir apparent, the dissensions among the great, and the weight of taxes, the discontents of the people, and the precarious situation of Ireland, will, I fear induce the

[1] Family papers, Mrs. William C. Pennington.

present ministry, in order to maintain their places, to make a disgraceful peace, which, if Napoleon lives ten years longer, will put the independence of the British Islands in jeopardy. I am firmly persuaded he is bent on the conquest of Great Britain, not to be achieved however, without a navy capable of contending for the dominion of the seas. Peace and peace only, will enable him in the course of ten years to build a fleet and man it capable to cope with that of England. If this position be true, it must be manifestly the interest of England to continue the war."

"*Doughoregan, 15th September:* Either Alexander must want understanding and firmness, or Russia has not the power and resources attributed to her by common opinion. It does not appear that Napoleon has stripped Russia of any territory, but the peace he has granted to Russia and Prussia has made him the arbiter of the continent of Europe. I suspect there are some secret articles in the treaty to be fulfilled in case Great Britain should not make peace; time will discover whether Napoleon will make peace with Great Britain on such terms as she can with honor and safety accept.

"I propose going to Carrollton the 25th of this month, and shall be glad to have your company. I have but two complaints, old age and the cholic."

"*February 1st, 1808:* Nothing has transpired about the negotiations with Mr. Rose. I hope they will terminate favorably, but my fears are stronger than my hopes. I suspect the Administration is decidedly under French influence, and that faction being numerous and desperate, they will if they can plunge this country into a war with England."

"*February 12th:* It is the true interest of this country to form an alliance, offensive and defensive, with Eng-

land ; such an alliance would emancipate the Spanish Colonies on the Continent from the dominion of Bonaparte, subject all the West India islands to Great Britain, except Cuba, the sovereignty of which should be guaranteed to the United States by that power. You fear that England would make peace and leave us in the lurch. She cannot make peace during the life of Bonaparte ; in this contest she must either perish or conquer ; our alliance and powerful co-operation would insure her victory. If we do not join England and she should be subdued, can you suppose the ambitious Tyrant of France would not impose on us his iron yoke ?"

"*Annapolis, 19th February :* An idea prevails here that the fate of Mr. Rose's negociation will be decided in two or three days and strong apprehensions are entertained about the result. From the following paragraph in Mr. Harper's letter, I draw the inference that Mr. Rose's negociation has terminated unfavorably to the views of those who wish to be on good terms and at peace with England. Mr. Harper in his preceding letters spoke of the general expectation that the negociation would be successful. I own my opinion was different, founded on the publications in the *National Intelligencer*, a paper supposed to be under the influence of the Executive and to utter his sentiments, and therefore if the negociation should disappoint the general expectation, it will not mine, tho' it will my wishes ; for I am persuaded it is the true interest of this country not only to be at peace with England, but to make an alliance offensive and defensive with her ; this opinion I believe to be confined to a few comparatively speaking, and as there is little prospect of such alliance being formed, England had better be at open war with the United States than suffer them under a disguised neutrality, to carry on the

trade of its enemies. I hope to hear from you by this day's mail, and am Dear Charles, Yr. aff. Father, etc."

[To Charles Carroll, Jr.[1]]

"*Annapolis, 11th April, 1808:* Messrs. Livermore and Alexander Hanson did me the favor to call on me Friday evening; by them I was informed you had returned from Washington on Thursday. What impression has Champagny's letter made on Congress and the Administration? Will the embargo be taken off soon? Can any tolerable guess be formed who will be the next President? If Mr. Rose was not tied up by his instructions, he ought in my opinion, to have closed with Madison's last proposal of declaring what atonement the British government would offer for the attack on the *Chesapeake*, and making that document and the revocation of the proclamation bear contemporaneous dates, as Madison consented to separate the search of merchant vessels for British seamen from the reparation of the insult on our flag by the attack on the *Chesapeake*. Surely the British ministry, if really desirous of being on good terms with this country, were over-punctilious in persisting on the previous revocation of the proclamation, before their envoy should disclose the nature and extent of the atonement to be offered for the outrage committed on our frigate. That ministry insisted that the right of search of private vessels should not be blended with the question of reparation for that outrage; this point was yielded by our government. Why then did not Rose with candor declare what reparation he was authorized by his government to make? His conduct, or that of his government, savors too much, in the whole of his negotiation, of the tricks and shifts of a pettifogging attorney. Are we to have war? And with whom, France or England? Or

[1] Family papers, Hon. John Lee Carroll.

are we to remain in *statu quo*, suffering almost all the privations of a state of war, with a degradation of character which war waged against our real enemy France, with spirit and conduct would in some measure wipe off?"

"*Annapolis 10th April, 1809:* I have seen the English account of the battle on the high grounds of Corunna given by General Hope to General Baird, which may be considered as official and to be depended on; the English claim the victory."

"*May 14th:* To me it seems evident that Bonaparte is determined to quarrel with Austria, and to strip that power of the greater part of its dominions, perhaps to place another dynasty on the throne of that ancient house. If Austria delays to strike the first blow, waiting for the decision of Alexander, and permits her deadly enemy to assemble his forces and to bear upon her from all sides with all his resources and power, not all the abilities of the Archduke Charles, the valor and patriotism of the subjects of Austria can save her from destruction.

I perceive Messrs. Livermore and Hanson mean to discontinue their paper after the 4th of July, from want of encouragement. This determination, and particularly the cause of it, is much to be regretted; their paper inculcated by several masterly productions, correct principles of government, and has contributed to the decrease of Democracy. By the late intelligence from Lisbon of the 27th March, it appears that the Portuguese mean to defend their country. If a large proportion of the French enemy has returned to France to attack Austria, and the unsubdued part of Spain should collect and have time to discipline an army of 100,000, and the Portuguese another of the same strength, it is to be hoped their joint efforts may be crowned with success, particularly if the

war with Austria should employ Bonaparte two or three years. The inactivity of the French armies in Spain must be owing either to the diminution of their numbers by large detachments being sent to Germany, or to the want of subsistence in Spain and Portugal, and to the vast expense and delays of obtaining it from France."

[To Robert Goodloe Harper.[1]]

"*Doughoregan, 28th July, 1809:* It is to be hoped the Archduke Charles will turn to good account, and make the most of the victories obtained over Napoleon on the 21st and 22nd May; from his past conduct it is to be expected that the saying or reproach made to Hannibal by one of his officers after the victory of Cann *vincere quidem suis, uti victoriæ nesces*, will not be applicable to the Archduke."

"*Annapolis, 19th March, 1810:* If Napoleon should repeal his Berlin and Milan decrees, as intimated by a letter of the 1st of January from Paris, detailing a conversation which passed between his ministers and a deputation of merchants, the orders of Council will fall of course, and our trade such as neutrals ought to carry on, will suffer no interruption from the belligerents. If Napoleon acknowledges the right of search to be authorized by the law of nations, as has been suggested at the conversation above mentioned, our differences with England must be amicably settled, for that right coupled with that also claimed by the British Government of taking their own subjects out of our merchant vessels will no longer form a pretext of quarrel with the British to keep alive the animosity of party in this country against that nation, the only means left to the ruling faction, of perpetuating their own power.

[1] Family papers, Mrs. William C. Pennington.

I suspect the meeting of the merchants at Paris with the ministers, and the alleged conversation above referred to, is destitute of truth and a mere stock jobbing fabrication formed in London. The late confiscation of American property in the ports of Spain in the hands of the French, and the imprisonment of their crews, declared prisoners of war, discredit in a great measure the declarations of the French ministers to the merchants; the two accounts cannot be reconciled on any other ground than the determination of Bonaparte to consider the Americans trading to Spain as violating the rights of belligerents by their commerce, interdicted by the law of nations, with revolted subjects. A little time will discover whether this construction upon the news from Spain is well founded."

[To Charles Carroll, Jr.[1]]

In a letter from Charles Carroll of Carrollton to his son-in-law, Mr. Harper, of February 17th, he has news to tell of the Austrian army, "information I had from Colonel Mercer's son John, which was confirmed by Mr. Caton." And then the staunch Federalist continues; "How does the Executive relish the report of the joint committee of the Massachusetts Legislature? In my opinion it is a masterly performance, and I hope will, with other publications, open the eyes of this nation that they may see the deformity of conduct of this Frenchified administration, plotting the subversion of our independence to perpetuate their power and misrule under the power of France."

Captain and Mrs. Decatur visited Charles Carroll

[1] Family papers, Hon. John Lee Carroll.

at Annapolis in April, "landed here yesterday," as he writes to Mr. Harper on the 13th. They expected to go from Annapolis to Baltimore, their host proposing to send them in his "Jersey wagon." And he adds: "Captain Decatur will go to Washington from Baltimore, and will remain some days in the former city. I hope you will invite them to take up their quarters with you. Mrs. Decatur intends going to Brooklandwood if Mr. Caton's family are there." Charles Carroll was much interested in the renewal of the charter of the United States Bank, and wrote to his son-in-law for information about it from the "influential" members of Congress. In this letter, dated February 6, 1811, there is mention of the communications from Europe contained in the President's message of January 31st, and the report that later dispatches had been received. And Charles Carroll adds:

"If such have been received and their contents have transpired, I should be glad to know if they hold out any well grounded assurance that the Berlin and Milan decrees are in reality repealed, as to the United States, and whether the two great products of our soil, cotton and tobacco, are suffered to be imported into France and the north of Germany, paying such duties only as will leave a profit on the sales to the importers.

I suspect there is a secret understanding between our government and that of France; the President's Proclamation cannot be reconciled to common sense on any other supposition or principle. If I am not mistaken, Bonaparte contends that no port ought to be considered as blockaded which is not invested by land as well as by

sea; does our Executive admit and contend for this novel doctrine? If the Orders of Council should be re-revoked, it is probable that the British besides keeping strong squadrons before the Scheldt, Brest, L'Orient Rochefort and Toulon, will station one or more frigates and sloops of war at the entrance of the Texel and the principal mercantile ports of France, to intercept all trade with France and the countries enforcing her decrees against British trade and manufactures. This Great Britain has a right to do by the law of nations, and if exerted our commerce with France and the continent of Europe under the control of Bonaparte will be too hazardous to be pursued with advantage."

On the 10th of March, Charles Carroll writes: "I hear wheat and flour have risen considerably in consequence of a supposed contract made by the French Government for the supply of their armies in Spain and Portugal. If the English government should be timely apprised of this measure it is probable it will station ships to capture our vessels thus loaded to supply their enemies, and considering the manifest partiality of our administration for France, we shall have no just cause to complain."[1]

The Caton sisters sailed for Europe in April, 1811. Charles Carroll went to the Manor about the end of May, where Mr. Harper was to join him with "little Dick and Elizabeth." Charles and Mary Harper were at school. "In the meantime," writes their grandfather, "they may visit the Manor every Saturday and return to town the Mondays following." During the summer of 1811 and the early months of

[1] Family papers, Mrs. William C. Pennington.

1812, the correspondence with Charles Carroll, Jr., and Mr. Harper was carried on with unflagging interest.

"*Doughoregan, 4th June, 1811:* I wish the rencounter between the *Little Belt* and the *President* may not be attended with serious consequences. As the Administration of this country wish to involve it in a war with Great Britain I do not believe they will make any apology for Rogers' conduct, which I believe will be expected by the British ministry and nation. My opinion is founded on the principle that the public ships of a neutral nation have no right to chase a public ship of war of a belligerent. Rogers admits that he knew the ship which he chased to be a ship of war, and he must have known that it was not one of ours. It must then have been either a British or a French vessel of war: with both of which nations we are at peace. Captain Bingham, I really believe, took the *President* for a French frigate, and fired with the view of crippling her sails and rigging to effect his escape, for he must have been convinced from the great superiority of his enemy that he had no other means of escaping. Again, what right had Rogers to hail the *Little Belt?* In doing so, and in chasing her I consider him as the aggressor, and on his head, and that of the Executive, under whose orders he acted the blood spilt must fall. I wish the British government may not reason in this case as I have done."

[To Charles Carroll, Jr.[1]]

"*Doughoregan, 8th June:* "Kitty, little Dick and Betsy were at Perry Hall on Wednesday. . . . In a letter from Cadiz of the 23rd April it is mentioned that

[1] Family papers, Hon. John Lee Carroll.

Lord Wellington was following Massena into Andalusia, and that he was at *Zapa.* I cannot find any place of that name in my map of Spain; I find the town of Zafra in Andalusia. If the latest intelligence from Cadiz and Lisbon can be relied on, we may expect to hear of a battle fought in Andalusia about the last of April or beginning of May. I conjecture Massena has formed a junction with the French forces in Andalusia commanded by Victor, and that Wellington, Beresford, Ballastros and Blake with a great part of the garrison of Cadiz have also united. A dispatch vessel, it is said, had arrived at the Havanna in twenty-four days from Cadiz, that is on the 17th May; she must therefore have left Cadiz on the 27th April, on which day an express may have reached Cadiz with an account of the victory over the combined French armies.

Had Commodore Rogers a right to chase the *Little Belt*, and had he a right to hail her? It appears to me that he had no right to do either. I should be glad to know your opinion on these points. I believe Bingham supposing the *President* to be a French frigate had a right without answering the hail, to fire on her. I am anxious to learn how Admiral Sawyer will act on the occasion."

"*June 28th.:* I presume Lord Wellington returned to his army to watch the motions of Massena, whose army may not be so much crippled as represented. He has probably sent strong detachments to Beresford who will not, I suspect, to judge from Lord Wellington's dispatches of the 25th April, attempt anything against Soult and Victor till Badajos is taken.

"I have read Smith's 'Address to the people of the United States' He has painted Madison in his true colors. But had Smith resigned his office before he was turned out of it, '*and had not waited for an occasion of de-*

ing so without endangering conflicting agitations among their respective friends,' his motives for defending his own conduct and exposing Madison's would not then have been imputed to disappointment and resentment. I hope the partisans of Madison, or he himself under a borrowed name will attack Smith's Address and gore him for his *patriotism*; if the attack should reflect on his want of talents, duplicity, or any other vices his political adversaries may liberally heap upon him, this may draw forth a replication which may unfold more of the machinations of the Washington Cabinet, if Smith has been entrusted with *all* their secrets, which I doubt. But I have no doubt that Cabinet is determined on a war with England and an alliance with France."

"*July 3rd:* I congratulate you on the good news from Portugal and Spain. I have looked most anxiously over the marine list for the arrival of the brig *Robert*; she ought to have reached Lisbon by the 20th. May."

"*July 4th:* If the victories obtained by Wellington and Beresford over the French have terminated according to the accounts given in the newspapers, the French must evacuate the Peninsula, unless promptly reinforced.

"What do the Democrats of Annapolis say of Smith's Address? If the state paper published in the *Boston Patriot*, has been communicated by John Q. Adams to his father, we cannot doubt its authenticity and it must make a most serious impression on all those of the Democratic party who are not determined to go all lengths in support of the measures adopted, and to be adopted by our Executive. Is the *Boston Centinel* a Democratic paper? In it a paper has been published entitled 'Additional Instructions for the French Minister Serrurier,' which are evidently fabricated in this country. The Federal prints ought not to publish falsehood.

There are true and damning proofs enough against this Administration ; fictions weaken the force of realities."

"*Annapolis, 21st January,* 1812 : The Administration of this country has got into a miserable hobble, from which nothing can extricate it but England's declaring war against us. Notwithstanding the manifold provocations given by our government, and its manifest partiality for France, the English Cabinet is too wise to help our rulers out of the scrape by declaring war against the United States. Is it supposed the Legislature of Pennsylvania will reincorporate the late Bank of the United States ?"

"*May 19th :* Early in next month 70 pr. ct. on my shares in the late Bank of the United States will be subject to my order ; that money and all other sums I can spare from my own expenses and engagements, I mean to subscribe to a new Bank of the United States should such an establishment take place."

[To Robert Goodloe Harper.[1]]

"*Annapolis, 28th May :* I am informed the contest will be warm between Mr. Hanson and Mr. William Carroll, and that it is doubtful which will be the successful candidate ; my fear is that in consequence of a division among the Federals a Democratic Representative may be chosen. Certainly Mr. Hanson has more knowledge of the affairs of the U. S., and is better acquainted with the proceedings of Congress, our foreign relations, and all the documents relating to them, and the manœuvres of our Administration, than Mr. Carroll ; he also is accustomed to public speaking, and from this acquired habit can declare with force his sentiments on the floor of Congress, an advantage which I believe Mr. Carroll does not possess, at least in so great a degree as Mr.

[1] Family papers, Mrs. William C. Pennington.

Hanson. For these reasons I wish Mr. Carroll would decline the contest. It is too delicate a subject for me to speak or write to him about; should he give me an opportunity of declaring my opinion, I shall embrace it. A petition intended to be signed by the freeholders and inhabitants of this county to Congress against war has been drawn up by Col. Mercer, which I have read and approve; it is temperate, the style good, and the reasoning clear and forcible. I believe it is now in the press and I am told if industriously circulated, will be signed by a large majority of the people of this county, Federals and Democrats.

The dread of war, a militia draft and heavy taxes, and a total stagnation of trade, are beginning, I expect, to effect a salutary change in the sentiments of the American people, which will no doubt be strengthened by the pointed contempt the Emperor discovers for us. John Mercer told me that Mr. Monroe assured him that Barlow was not authorized to make any treaty with France, but only to insist on reimbursement of the value of American vessels seized and sold under the Ramboulet Decree. Indeed, I do not see what treaty Barlow could be authorized to make, except an alliance offensive and defensive with France in case of our going to war with Great Britain, which probably he was instructed to assure the Emperor this government would declare, if the property above mentioned, or rather its value should not be restored, or security given for its restoration. But what security could be given by Perfidy personified?"

[To Charles Carroll, Jr.][1]

There was now no question indeed whether the United States would go to war, and with whom.

[1] Family papers, Hon. John Lee Carroll.

Hostilities were declared on the 19th of June, 1812. The objections of Charles Carroll of Carrollton to the war with England seemed to him to have their justification in the part Great Britain was playing as the champion of oppressed nationalities against the tyrant of Europe, the French Emperor, "Perfidy personified." Charles Carroll had too long looked with all the prejudices of an Englishman upon Napoleon and his wars, to be willing to see his country fight Napoleon's great enemy. And was there not danger, he argued, for the independence of the United States, in this grasping French imperialism which had replaced the pseudo-republicanism of the Directory and the Consulate? He had apparently outlived the feeling against England that would have been natural in the patriot of '76, and he was ready to deal leniently with her sins against America in 1812, because of the position she held in Europe as the one barrier across the pathway of the destroyer—Bonaparte.

But Carroll's countrymen generally were not of his opinion. In Baltimore the war sentiment was very strong, and an attack was made upon the office of the *Federal Republican*, Alexander Hanson's paper, which resulted in a most deplorable riot. Charles Carroll thus alludes to it in a letter to his son of August 5th, written from "Doughoregan":

"The late occurrences in Baltimore, and the temper of this government render a residence insecure in this State, and I may want all the sums I can command to enable me to move out of it, if the state of politics does not soon grow better, and men be suffered to speak their

sentiments on the measures of the present rulers of our country and to take what newspapers they please." [1]

The war began with some unsuccessful attempts at the invasion of Canada and disasters in the northwest, but was followed by four naval victories, the last of which took place off the coast of Brazil the day before the following letter was written:

"*Annapolis, 30th December, 1812:* There is a report that Mr. Pinkney is to succeed Mr. Monroe as Secretary of State, and that Mr. Monroe is to be commander-in-chief of the army; but without better troops he will not be more successful than his predecessors in the invasion of Canada. Many are of opinion that Madison will continue the war against Great Britain. I am inclined to this opinion also, knowing his hostility to that country and suspecting his connection with Bonaparte. If Bonaparte should prevail against Russia, the war will go on for another year, till the next House of Representatives will force the Administration to make peace. In that House the Administration party will either be in the minority, or have so small a majority, and their war measures will be so opposed, that this government must accept the terms which the British ministry may offer, and of their being honorable and advantageous to both countries I have no doubt." [2]

To his son-in-law Richard Caton, who managed much of his business for him, Charles Carroll of Carrollton wrote from Annapolis, February 13, 1813, giving him instructions as to his investments, and other matters. He fears that his "rent-wheats

[1] *Ibid.* [2] *Ibid.*

will not produce 1500 barrels of flour," and he authorizes Mr. Caton to take $10 a barrel for it which, he adds, "I much doubt your obtaining, as long as our Bay continues strictly blockaded." The Baltimore Company is referred to, in connection with Charles Carroll's will, which he intends to execute the next day. "What is the price of fustians," he asks, "fit for summer liveries for my servants? Coe is quite out of employment and wishes to make the liveries at present." And Charles Carroll concludes his letter with a discussion of the latest foreign news:

"The report of Bonaparte's arrival at Paris at midnight on the 18th December, appears to me questionable. Supposing him not to be dead or taken by the Russians, and that he arrived in safety at Wilna on the 9th or 10th December, he could not leave that place or Warsaw before the end of that month, as providing winter quarters for the shattered remains of his army, collecting provisions and reinforcements would require his presence in Poland for at least twenty days. If the report of his arrival at Paris be false, it strengthens the probability of his capture or death—neither event was known in the Russian army at the date of Kutusoff's last dispatches of the 17th November." [1]

Charles Carroll's correspondence for the following twelve months carries his readers back and forth between Europe and America, his interests vibrating between the two continents. In February, he is telling of gaieties in Annapolis, where the Misses Pinkney "fine girls and well educated" are visiting

[1] MS: Letter, Miss M. A Cohen, Baltimore.

Louisa Caton at her grandfather's house, and where, though it be war times, a ball is to be given in compliment to these young ladies by their hostess: "Several beaux and some young ladies are invited to it from Baltimore." He is writing to Robert Goodloe Harper in Washington, and adds:

"Shall we have peace with England? Will not the sad disasters of Napoleon accelerate that event? The fate of that man is not yet certainly known; perhaps the French minister may have certain information about him, and Barlow may have communicated what he knows. I cannot bring myself to believe that he is dead or captured by the Russians; neither of those events could be concealed for more than a few days. If living and returned to Paris, his entry into that capital forms a mournful contrast to his former triumphant entries, and the shades of night were well suited to the gloominess of his mind and desperate situation."

And so the letter continues, with speculations on the probable course of Russia, Prussia, and Austria, and the final queries: "Has anything transpired from the cabinet? Have any secret messages been sent to Congress by the Executive?" Four letters written in March to the same correspondent all contain some mention of Napoleon and evidence the close connection his fate was supposed to have on the issue and termination of the war in the United States. A new coalition was forming against Bonaparte in Europe. Charles Carroll writes as the news just received, March 1st by a vessel arrived in the Delaware: "The papers from Philadelphia and New

York will no doubt reach Washington by this day's mail, and give the details of these important events. God send they may be true." Three days later he says: "As Bonaparte's power seems to be on the decline, and Austria and Prussia with the aid of Russia will throw off his yoke, and by a powerful combination of forces drive the French out of Germany and Italy, circumscribe France to her limits under the last of the Bourbons, and restore the ancient order of things in Europe, I flatter myself our war against Great Britain will soon be brought to a close." And further on there is this frank admission: "Many persons continue of the opinion that Bonaparte is dead, from their strong wishes, I suppose, of his death. Although no one desires his death more than I do, I cannot suffer my wishes to betray my judgment." Carroll receives in a letter from Baltimore, the substance of a handbill circulated in New York, and congratulates his son-in-law, "and every friend of humanity, on the extermination of the tyrant's army," as the result of the Russian invasion.

Of the home Administration and its policies, Charles Carroll continues to express the poorest opinion: "Is the war to go on? Can it be prosecuted without the means, and against the general bent of the nation? In consequence of the President's recommendation, an entire stop, I suppose, will be put to exports from this country. Will the people long submit to such privations? Their folly or corruption in the re-election of Mr. Madison must now be manifest." And again he writes:

"Will the people of this country submit to the measures to which you apprehend this wicked Administration will resort, to carry on the war? I have long been of the opinion that the present men in power would not make peace with England as long as they retained their offices. It is said some of Napoleon's papers of a secret and important nature were taken with his baggage by the Russians. I hope the confidential despatches from our Administration may be among them; if found, no doubt they will be communicated to the British ministry and published. It is reported that the British are sending to this country nineteen ships of the line and several stout frigates and some bomb vessels. They must expect a French fleet on this coast, for so large a force does not appear necessary to blockade strictly our ports. I suspect they will take possession of Rhode Island and fortify Newport, from thence they would get fresh provisions, vegetables and water for their blockading squadrons."[1]

In letters of March, April, and May, Charles Carroll of Carrollton wrote to his son of the war rumors floating about Annapolis and of preparations he was making to secure his personal property, should the enemy appear.

"*Annapolis, 12th March, 1813:* I have had to dine with me Mr. Moore the British agent and Captain Ben of the *Francis Freeling*, the British packet now lying in this harbour. I am much pleased with Mr. Moore. This port is appointed for the reception of flags of truce, and Mr. Moore is to have the management of them, to receive despatches and forward them to and from our government. Mr. Caton seems apprehensive that the British will bombard our town, and even poor Annapolis may not

[1] Family papers, Mrs. William C. Pennington.

escape ; the insignificancy of the place, and its being the station for flags of truce, will exempt it from that calamity. Indeed I do not believe the enemy will bombard any of our towns ; they will probably enter the port of New York, destroy the forts and our frigates there, and at Boston and Norfolk. I should not be surprised at their landing near Washington on the Potomac from 1500 to 2000 light troops and making a rapid march to Washington and destroy the Dock Yard there. The government does not appear to apprehend such a *coup de main*, and I suspect is not prepared to defeat it. I believe the British will take Rhode Island and fortify Newport, the port which a French fleet would certainly steer for, and which I am confident the British expect, or they would not send to this country 19 sail of the line.

"*27th April :* Mrs. Tayloe writes from Washington to her mother dissuading her from leaving Annapolis, as in the opinion of persons well informed, Annapolis is the safest place of residence in this State. It is made one of the ports in the United States for the reception of cartels and the exchange of prisoners."

"*8th May :* I have sent my valuable papers, books of account and plate to the Manor, and baggage of different kinds will be sent to-morrow. When I go to the Manor, the exact time I cannot now fix on, your sister Caton and her daughters Betsy and Emily will accompany me. I shall remove my pipes of wine to my farm near this city, and some household furniture, for I seriously apprehend the enemy will destroy this town. It is reported a strong force is going up the Potomac and that they are greatly alarmed at Washington. There are so many reports in circulation it is difficult to determine what to believe." [1]

[1] Family papers, Hon. John Lee Carroll.

But this time the alarm proved groundless, and Charles Carroll going from Annapolis to "Doughoregan," lingered at the Manor until the second week in December. From the latter place he writes, October 31st, to Charles Carroll, Jr., rejoicing over Napoleon's disasters: "Your servant Sam delivered your letter while we were at dinner; the foreign intelligence it imparted was more acceptable than the most luxurious desert could have been." And on the 4th of November he refers to the details that had appeared in the Baltimore *Federal Gazette*: "It appears to me that Napoleon is in a very critical situation. God send that the disturber of the world may meet with his deserved fate and punishment." Of Madison's "wicked Administration," and its threats, the Maryland Federalist writes as follows:

"*Doughoregan, 5th December:* If the government of this country should put to death the British officers, soldiers or any of them confined to retaliate the execution of British subjects taken in arms fighting against their native country, I have no doubt the British fleet will destroy in the course of next summer, any town and habitation on the coast of this Bay and sea accessible to their ships. That the British government will cause to be hanged some of the prisoners sent to England to be tried as British subjects, proved to be so, I am fully pursuaded; in doing so that government will be justified by the law of nations. But the execution of British prisoners of war by way of restitution cannot be justified by that law, and though our present wicked Administration from their deadly hatred to England would willingly ex-

ecute their menace, their fears will restrain them, and the American nation will not suffer the atrocious deed to take place. From the Regent's declaration, lately made known to the American government, it is obvious the British Admiral was instructed not to lay waste our coasts or destroy our towns, but to confine his operations to the intercepting our commerce. I presume the same line of conduct will be pursued by the British if our rulers dare not retaliate on British prisoners of war the just punishment that may be inflicted on British traitors.

In this view of the subject, which I think correct, there is no *immediate* necessity to remove my library from my house in Annapolis, or my wine from my farm near it." [1]

On this same subject of British prisoners, and naturalized citizens and their rights, or "wrongs," Charles Carroll has more to say in a letter written two days later to Robert Goodloe Harper:

"Dr. Thomas has brought me the President's message. It breathes a hostile spirit against England and menaces retaliation if the British government should direct the prisoners sent to England for trial—if found to be British subjects—to be executed. Although the standing law of Great Britain naturalizes all aliens, and such naturalized subjects are employed in her fleets and armies, have not the original sovereigns of such naturalized aliens a right to reclaim them, and if at war with Great Britain, and they should be taken prisoners, a right to punish them with death? Does our Constitution or laws admit of its citizens changing their allegiance and becoming subjects of another State? If they do not, should an American citizen be taken fighting against this country, could he not be tried as a traitor?

[1] *Ibid.*

If this country, or those whose subjects are naturalized by Great Britain, admit the doctrine that allegiance is not indefeasible and may be changed, the case put by the President to justify retaliation does not apply as to Great Britain and will not justify it. The President asserts that many of the individuals, prisoners of war and sent to England for trial, emigrated from the British dominions long prior to the war between the two countries ; the President ought to have good proof for this assertion. Although the British government may have the right to punish as traitors British subjects taken in arms against their native country, even being naturalized citizens of this, the policy of the measure appears to me very questionable."

Writing again, December 16th, Charles Carroll tells of his satisfaction at the election of Governor Winder and a "Federal Council." He speaks of the general opinion that an embargo will be laid by Congress ; "perhaps this measure adding still more to the distresses of the people, may at last work a change in the political sentiments of the Democratic party and induce them to get rid of their present rulers." Charles Carroll of Carrollton was at this time in Baltimore, and Mr. Harper was in Annapolis attending the session of the Court of Appeals he and his family occupying the Carroll house.

Complaints had been made against the overseer at Charles Carroll's farm near Annapolis and several of the latter's letters during this winter, which he spends in Baltimore, discuss this matter. He expects a detailed account of the complaints, from his son-in-law, when he will be "better able to form

proper judgment and apply some remedy." And he adds "Sears may have faults, and the negroes may complain without much reason, nay they may be instigated by a certain person to complain who bears an ill-will against Sears." Mr. Harper is to examine how Sears conducts his business, and he will be able to discover from the looks of the negroes "if they are well-treated and fed." The letter continues: "I really believe Sears is honest and sober, two very essential qualities in overseers. He is industrious, though he has not so much judgment in farming as I could wish; *non ego paucis offendor macules; ille optimus est, qui minimis urgetur*—this sentiment of Horace may be applied to overseers as well as poets." A little later Charles Carroll writes again of Sears, telling Mr. Harper to be on his guard as to the accusations against him, as "several are seeking his place who are not trustworthy." He wants the case minutely investigated, however, in case any of the charges are true. But he does not wish to trust his wines and other valuable property to a new overseer, as it would be difficult, at this season, to find a good one.

He finally decides from his son-in-law's report that "things are not as they should be." But he does not want the negroes to be confronted with Sears, "such an examination will be productive only of ill-treatment of my negroes." The man had not managed the place as well as he should have done: "If I should live to see peace," is Charles Carroll's conclusion, "and then reside with security at Annapolis, I will endeavor to correct the abuses of Sears and make him a better

manager." Should he not succeed he will look out for an overseer who understands farming, and the management of stock, in which he thinks Sears deficient. Of the prospects for peace, Charles Carroll writes in this letter of January 16, 1814: "Till Bonaparte is defeated so as to be forced to relinquish all his conquests and to make peace, or what would be more desirable, till death rids the world of the tyrant, I am persuaded no peace will take place between this country and England."

The following letter to Robert Goodloe Harper, then in Washington, treats of the same all absorbing theme:

"*Baltimore, 26th February, 1814:* I have read with much pleasure your speech at Annapolis; you have perspicuously traced the causes of our war with Great Britain to their real origin and have exposed the disgraceful intrigues and falsehoods of the Administration by which they have gradually led Congress to declare it. If the war party could divest themselves of their hatred to England and consider dispassionately the contents of your address, I should hope the perusal of it would be followed by happy consequences. But men blinded by party spirit are not to be cured by reason but by sufferings, and the great mass of the people have not yet suffered enough to make them sick of the war. The avarice of money lenders will fill the loan, and the large bounties the army, with which when raised, the Administration may be tempted to carry on the war by forced loans and conscriptions. The Constitution will present no obstacle to an Administration which has already violated it in so many instances. Will a sense of honor, and the sanctity of oaths restrain men from such a wicked

attempt, who have long sacrificed every honest principle to the love of power?

Our friend Oliver confidently expects peace between this country and England. I am not so confident; indeed I am inclined to believe the war will be continued, if continued between the Allies and Bonaparte. The haughty spirit of that man, I suspect, is not yet sufficiently humbled to submit to a peace dictated by his enemies, even though that peace should leave to France a large accession of territory and restore to him his sailors and 300,000 veteran troops. If the offer of peace and its terms should be rejected by Bonaparte, he must act on the defensive, and endeavour to tire out the Allies, gain time, generally favorable to the party acting on the defensive, and wait for events, which may disunite his enemies. Is the genius of Bonaparte and the French nation suited to a defensive war? If the war goes on, the Allies will probably limit their operations to expelling the French from all their remaining conquests and confining them to the limits of the monarchy as held by the last of the Bourbons. A little time will confirm the truth of these speculations, or expose their emptiness. I have hazarded them as the only topic I have to write about, and rather than not to write at all, I have, perhaps, exposed myself to the imputation of being a short-sighted politician." [1]

In the spring of 1814, preparations were made by the British fleet under Admiral Cockburn, for the attack on Washington and Baltimore. The British land forces under General Ross routed the Americans at Bladensburg, August 24th, and occupied the Federal City, which was then but a very small town. Its public buildings were burned by the ruthless

[1] Family papers, Mrs. William C. Pennington.

enemy, though its archives had been removed to a place of safety, and a number of private houses were also destroyed. The brilliant defense of Baltimore followed in September, Ross being killed at the battle of North Point on the 12th, and the British fleet forced to turn back. Charles Carroll of Carrollton, wrote to Mr. Harper, who was then in Baltimore, from "Doughoregan," August 25th:

"No doubt you have seen Mr. Smith, but I much question whether in the present critical situation of this State he has been able to dispose of my bank shares. I have heard nothing more of the enemy since your letter to Kitty. Drummond, I conjecture, attacked our army in Fort Erie with the expectation in case of success, of getting possession of our magazines at Buffalo, for while we have the command of Lake Ontario the English army beseiging Erie must be in want of provisions, and this want I imagine forced Drummond to hazard the storming the position of Gaines' army."

To his son, Charles Carroll wrote the same day: "The enemy are in possession of Washington; it is reported they have destroyed the public buildings and Navy Yard, I hope the latter only. It is thought they will next attack Baltimore. The fire at Washington was plainly seen by several of my people about ten o'clock last night." And he writes also on the 26th:

"It is said the enemy are on their march from Washington to Baltimore, through the country, which they will probably reach in a day or two. It is probable that a deputation from the city will meet them before they enter the town, and capitulate on the best terms they

can ; resistance will be fruitless, and if made, will only cost the lives of some valuable citizens. It is probable the shipping will be destroyed—time, perhaps a few days, will discover the ulterior operations of Lord Hill. Unless arrested by peace, he may march to Philadelphia ; no effectual force will assemble in time to oppose his march. It is said Lord Hill's army observes the strictest discipline."

Charles Carroll had come to the conclusion a few days later that Baltimore would not "capitulate" so promptly. And he writes to Robert Goodloe Harper, August 30th :

"Mr. Gallager is much in want of Dr. Wharton's answer to the Catholic question. He is, I believe, writing some strictures on Wharton's performance, and has written to the bookseller for it. I send my servant to bring the pamphlet to Mr. Gallager, and partly to know what is doing in Baltimore, and if a defense is beginning to be organized, such as may, when completed, oppose a successful resistance to the expected attack. Have you any tidings of Lord Hill, or any estimate to be relied on of the forces come, or coming with him ? Is young Mr. William Cooke in town ? How is Mr. Pinkney and Mr. Sterrett ? I hope they all will soon recover from their wounds. Mr. Gallager tells me a large force is now in Baltimore, and daily increasing. He met great numbers on the road going there. If Mr. William Cooke, Sr., is still at the Widow Sterrett's I will call and see him.

As the conquest of Canada is now become hopeless, will not Madison recall our regulars from the frontiers of that province, at least the greater part of them ? When the British get the command of Lake Ontario, Sacket's Harbour with our fleet must fall into their hands, and the

garrison also, left to defend it. Is it not time to hear something from Ghent? The British Cabinet, I fear, is playing on Madison his own game, and not very solicitous about peace with this country. That cabinet, however, will be taught by the event, if the war continues, as Madison has experienced to his cost, at least of this country, that honesty is the best policy, and reconciliation better." [1]

The crisis was over in Maryland, and Baltimore was saved from the fate of Washington, when the next letters that are preserved in this series were written, October 29th, and December 4th; too late to contain any mention of the stirring episode that has made of September 12th a State holiday. In the letter to Robert Goodloe Harper of the 4th of December, Charles Carroll of Carrollton contemplates with equanimity, in the event of British success at New Orleans, the secession of the "Western States," meaning, doubtless, the states bordering on the Mississippi, and the formation of "a separate Confederacy," and thinks it will be to the advantage of the "Union" that remains.

"*Doughoregan, 4th December, 1814:* I am of your opinion that the British government is disposed to make peace on terms which our Administration ought to accept; but our rulers and the heads of their faction do not want peace. They look to a large standing army to continue themselves and party in power, and to enforce the collection of taxes by military coercion, and without which they will not or cannot be paid. What event

[1] Family papers, Hon. John Lee Carroll and Mrs. Wm. C. Pennington.

could be more calamitous to this country? This baneful faction aims at a military despotism; with no other view has it acted all along in perfect concert with Bonaparte. Our commissioners comprehend perfectly the designs of the Executive, and act in conformity to secret instructions given to such of them as are most in the confidence of the President. I have no doubt the Congress at Vienna has by its measures consolidated the pacification of Europe, and that a long peace in that part of the world will be the result. About the 12th or 13th instant I expect to take up my winter quarters at Mr. Caton's in Baltimore; no danger, I think, of an attack on Baltimore this winter, or before the end of March. I suspect the expedition which sailed from Plymouth the 18th September, must be gone against New Orleans. Should the enemy succeed, perhaps the Western States, partly by force and partly by advantages which the British may hold out to them, may be induced to form a separate Confederacy. Their separation will secure the union of the Atlantic States, and form the best security for Canada."

Harper had been commissioned a brigadier-general of Maryland militia, and his father-in-law wrote to him from Baltimore, December 17th: "I hope the Council will speedily appoint a Brigadier General resident in this city that you may not be summoned here on every groundless alarm." He adds: "It is much to be desired to have a body of regular troops raised by the State for its defence, but I fear the means will be wanting to raise and pay a complete number."

The war closed nominally by the treaty of Ghent, signed two weeks before the actual conclusion of

hostilities in General Jackson's victory at New Orleans, January 8, 1815. There was great rejoicing doubtless among both Democrats and Federalists, at the return of peace. The latter party in Maryland included such prominent names as the Gilmors, Howards, Olivers, Sterretts, Smiths, Bryces, Grahams, and Cookes,[1] most of them Charles Carroll's intimate friends or connections, as will be seen. In December of this year, Charles Carroll writes to Robert Goodloe Harper, from Mr. Caton's in Baltimore, giving a pleasant account of the social festivities attendant upon the visit to that city of one of the heroes of the war, Carroll's old friend "Capt. Decatur," now risen to a high rank:

"Commodore Decatur and Mrs. Decatur dined with us yesterday. We had a pretty large party, Genl. Robert Smith, Mr. Cobb, Captain Spence, Col. Mercer, John Howard and several others. Mrs. Decatur dines with us to-day [December 19th.] Your letter was read to her. The Commodore is in good health and spirits. He dines with a large party to-morrow at Mrs. Robert Smith's. The Governor did intend to go to Annapolis on Monday, but has been much indisposed. I understand he is now much better."

In a letter of a little later date, Charles Carroll says: Commodore Decatur and Mrs. Decatur will leave Baltimore for Washington on Thursday; every attention has been paid to them during their stay."[2] The following letters were written by Charles Carroll of Carrollton to General Harper while the latter was attending Congress, in 1816:

[1] Carey's "Olive Branch," Preface to First Edition.

[2] Family papers, Mrs. William C. Pennington.

"*Baltimore, 23rd February 1816:* Should the bill limiting the direct tax to one year pass the Senate, it is to be apprehended that the House of Representatives will refuse at the next session to originate another bill for laying that tax. What then will become of public credit if permanent taxes equally productive cannot or will not be substituted? If such could be imposed, operating equally, as far as is practicable, they would, perhaps, be preferable to the land tax, the collection of which will be expensive and difficult. If I am correctly informed a considerable proportion of the direct tax laid in Adams' Administration remains unpaid in several of the Southern States. If a national bank on some sound principles should not pass, how is the present confusion in our monied concerns to be remedied, and the taxes collected? The States will go on incorporating banks, and this country will be deluged with a paper medium of no more value than the old Continental currency in its lowest stage of depreciation. Strange and most fraudulent expenditures of the revenue, it is reported have taken place in some of the public departments. If this report be true, will not an investigation of these abuses be set on foot by Congress? Has Mr. Gallatin declined his mission to France?"

"*April 17th:* I have read with pleasure your speech on the late resolutions moved by you in the Senate. It seems Mr. King spoke with asperity against the practice of impressing American seamen; no doubt it was and ever will be abused, but how can it be prevented but by a law excluding foreign seamen from our public and private vessels? Even a law will not be effectual without proper provisions to be executed under the inspection of consuls of foreign powers in our principal seaports. Unless a prohibition sanctioned by an act of Parliament and of Congress, perfectly reciprocal takes place, and is exe-

cuted on both sides with good faith, to exclude from British vessels of war and merchantmen American seamen, and *vice versa* British seamen from our vessels, public and private, the practice of impressment so injurious and justly complained of, will most certainly lead to war in the course of years, between the two countries. War I consider as a great calamity, and having a stronger influence in corrupting the morals of a nation even than a long peace, and therefore most weighty and just should be the cause to justify engaging in it; I think with Cicero, *nullum bellum justum, nisi necessarium.* . . . Again, a few thoughts on war and its causes; they are frequently concealed from the public, springing more from low intrigues, antipathies, ambition of individuals, and plausible pretences of violated national honor, than from the ostensible and alleged reasons and topics set forth in declarations. Collisions of interest and real grounds of quarrel, will, no doubt, sometimes arise, especially between maritime and commercial nations envious and jealous of each other. But if rulers were wise they would, at least ought, to resort before the sword is drawn, to pacific negotiations, carried on with good faith, free from irritation and in the spirit of peace, avoiding hatred and mutual reproaches. Such are my sentiments: *si quid novistri rectius istis candidus impesti, si non, his utere mecune.*"[1]

In July, General and Mrs. Harper were at the Ballston Springs in New York, and in writing to the former Charles Carroll sends messages to his friends in that State. He is "glad to hear that Mrs. Morris is well and happy" and wishes to be remembered to Mr. Morris, Mr. Gracie and Mr. King; "for all

[1] *Ibid.*

those gentlemen I feel a very sincere regard," he adds. Charles Carroll alludes to the recent death of Gouverneur Morris in a letter of November 21st: "Is it known what disorder carried off Mr. Gouverneur Morris? His death is a public loss; in him the United States have lost a citizen of great abilities. Being an old acquaintance which commenced in difficult times, I regret sincerely his death." Though the war was over the Federalist statesman still had causes of complaint against the Democratic Administration, and he writes in the fall of 1816: "I say nothing of politics, indeed I hate to think of them, for in viewing the general complexion and temper of these United States, I see nothing to console but much to alarm me for the present and future welfare of my country; this despondency is not the effect of this gloomy weather but of serious reflection." [1]

Charles Carroll of Carrollton had written to King the artist in August; telling him that he would be in Baltimore about the 20th of December, to remain there during the winter, and would sit for his picture, which had been requested by Joseph Delaplaine for "The Repository" a collection of biographical sketches Delaplaine was editing. This gentleman had asked Charles Carroll for some facts of his life, and the latter responded in an interesting letter, giving briefly an account of his education abroad, and his public services in America. He states:

"On the breaking out of our Revolution I took a de-

[1] *Ibid.*

cided part in support of the rights of this country; was elected a member of the Committee of Safety established by the Legislature, was a member of the Convention which formed the Constitution of this State. The journals of Congress will show how long I was a member of that body during the Revolution. With Dr. Franklin and Mr. Samuel Chase, I was appointed a commissioner to Canada. I was elected a member of the Senate at the first session of Congress under the present Confederation: though well acquainted with General Washington, and I flatter myself in his confidence,—few letters passed between us; one, having reference to the opposition made to the treaty concluded by Mr. Jay, has been repeatedly published in the newspapers, and perhaps you may have seen it; that letter is no longer in my possession."[1]

Mr. Delaplaine had asked Charles Carroll about his correspondence with General Washington. "The Repository, Lives and Portraits of Distinguished Americans," published in Philadelphia in 1816 and 1818, was never completed as originally designed, and the Carroll sketch never saw the light.

Inquiries were also made of Charles Carroll, in 1817, as to his part in "the Convention which formed the Constitution" of Maryland and his reply is as follows:

BALTIMORE, 29th December, 1817.

Dear Sir: I was one of the committee that framed the constitution of this, State and the mode of chusing the Senate was suggested by me; no objection was made to it in the committee, as I remember, except by Mr. Johnson, who disliked the Senate's filling up the vacan-

[1] Maryland Historical Society's "Centennial Memorial," 1876, p. 106.

cies in their own body. I replied that if the mode of chusing Senators by Electors were deemed eligible the filling up vacancies in that body was inevitable as the electors could not be convened to make choice of a Senator on every vacancy and that the Senate acting under the sanction of an oath, and *L' esprit du corps*, would insure the election of the fittest men for that station, nor do I recollect while I was in the Senate, that the power intrusted to it in this instance was ever abused or perverted to party views.

I do not remember at this distance of time whether this part of the committee's report was objected to in the convention, nor any report of its debates and proceedings other than what is to be found in Hanson's edition of the laws, nor what was the understanding of that body respecting the right of the Governor of nomination to the council. I have answered your several questions to the best of my recollection, my answers I fear will throw no new light on the subject ; that the manner of electing Senators was approved by the experience of many years and that no inconvenience resulted from the Senate's filling up vacancies cannot I think be denied. When parties run high the best institutions afford but a feeble defence against the passions of interested or deluded men, party spirit seems to be abated, and to have lost much of its virulence, whether it will be prudent in this state of things to alter the mode of electing the Senate I leave to your better Judgment. I am, with sincere regard, Dear Sir,

Yr. most hum. Servt.

CH. CARROLL OF CARROLLTON.

To Virgil Maxcy. [West River, Md.] [1]

[1] MS : Letter, Mr. Worthington C. Ford.

The Caton sisters, Mary, Mrs. Robert Patterson, whose husband was a brother of Madame Jerome Bonaparte, Elizabeth and Louisa Caton were in Europe at this time. And on March 1st, 1817, Louisa was married to Col. Sir Felton Bathurst Hervey, who had fought under Wellington in Spain, and was his aide-de-camp at Waterloo. And an interesting letter has been published within recent years, written to Charles Carroll of Carrollton by Col. Hervey, at the request of his wife's grandfather, describing the battle of Waterloo.[1] Allusion is made to this letter in the correspondence with General Harper. Charles Carroll was sending his grandsons abroad in these years, to be educated. And he makes careful inquiries in advance. Mary Harper was sent over to France, under the care of Mr. Gallatin, in 1816, to a school in Poitiers, where she will be "more piously educated than in the very best boarding-school in Philadelphia." And the affectionate grandfather writes tenderly: "A kind Providence, I hope, will guard my dear granddaughter and restore her to you both in good health, pious and improved in all those qualities which render women amiable and estimable. It is probable I shall not see the dear girl before her departure, and may not live to see her return. Kiss her for me. I send her my love and blessing." This young girl, it appears, died while abroad.

Charles Carroll wanted the two boys, young Carroll and young Harper to be educated together,

[1] *Littell's Living Age*, April 29th, 1893, from *The Nineteenth Century;* MS: at Hornby Castle, England.

and he thought first of Cambridge, but there were objections to the English University, "too many and too long vacations." On the 21st of February, 1817, he wrote from Annapolis to General Harper who was then in Washington:

"The enclosed letter I beg you to deliver to the French minister with my respects, and request to him to forward it to Paris by the first opportunity. The purport of the letter is to request Mr. Perigny to give me his opinion as to the education of youth in France, and where morals are most attended to, and the best education can be obtained, in Paris or in the provinces, and in which of them. Should he prefer a Parisian education would he advise me to fix my grandson Charles Carroll, the expenses of board and tuition, and of being taught dancing, fencing, music and drawing. Uncertain of Mr. Perigny's residence, I have addressed the letter to Julius de Menon."

Mrs. Harper's health failing in 1818, she sailed with her husband to England, for the benefit of the sea voyage and a change of climate; and the following letters from Charles Carroll of Carrollton to his son-in-law, tell something about himself, as well as about the travellers across the sea.

"*Doughoregan, 26th July, 1818:* I received yesterday your letter of the 10th of June from Liverpool. I hope you will find Mrs. Hervey and Betsy and the boys at Paris in good health, and the latter much improved. I send them my love and blessing. Betsy undoubtedly will not miss so good an opportunity of returning home with you and her aunt. Mr. and Mrs. Bagot favored me with a short visit. We have had some excessive hot days

unfortunately while my amiable and distinguished visitors were here. The more I see of them the more I like them ; they grow upon acquaintance.

"When you see Julius assure him I have a sincere regard for him. Remember me also to his mother and her sister Madame Le Peltier. You will certainly take Cambray in your way. The boys are to spend their vacation with Mrs. Hervey. No doubt you will see the Duke of Wellington and Col. Hervey. From Mrs. Patterson's account of the Duke there cannot be a more friendly and amiable man ; and all who know Hervey love him. I suppose you will pay Mr. Cooke a visit. His character and great tenderness to Mrs. Harper's nieces entitle him to every attention from every part of our family."

"*August 28th :* [Thanks him for the letter of 21st of June.] . . . very interesting and satisfactory from the description of the country and gentlemen's seats which you visited. Lord Grovenor must have a revenue exceeding £55,000 sterling, or must have incurred a considerable debt by expending £400,000 in building at the rate of £40,000 a year in ten years. I should suppose his style of living could not fall short of £15,000 pr. year. Betsy, I confidently hope, will return home with you. Present my kind respects to Col. Hervey. I have answered his obliging letter giving an account of the battle of Waterloo."

"*November 3rd :* Kind respects to Count de Menon and Mr. and Mrs. Dunlevy. Assure [Kitty] of my tenderest affection and ardent desire for her return. Your dear little Robert enjoys excellent health and an abundant flow of spirits. He really is a charming child and most endearing. The distinguished reception you have received from the Duke of Wellington and Woronsoff could not fail of giving you much pleasure. The re-

views of troops must have been most amusing, and travelling must have contributed to your health. That you may long enjoy it is the sincere wish," etc.[1]

The French friends mentioned by Charles Carroll of Carrollton in these letters had probably all been among the refugees who had come to the United States during the Reign of Terror in France; such at least was the case with Madame Le Peltier, whose maiden name was Perigny and who was doubtless a sister of the Rev. Mr. Perigny, then living in Paris, the former chaplain at the Manor, and she was associated with Charles Carroll in an act of benevolence in connection with some of the St. Domingo exiles which may here be related.

Among the French families of means and social position living on that island at the time of the Revolution in St. Domingo was that of Jean Francois Morancy, consisting of himself, his wife, and three children. They lived near the town of Aux Cayes, to which place they fled from their plantation home to avoid the insurgent negroes. Here Madame Morancy died of yellow fever. Soon after came the fearful massacre of the whites by the slaves; Mr. Morancy, his brother, and the brother of his wife were all among the slain. The three helpless children, Victoire, Honore Pierre, and Emile, aged thirteen, ten, and five, were saved by their nurse, who carried them to the United States, where they landed at Charleston, South Carolina. Pierre recalled in after years the terror and agony of the flight, the hurried drive in a close carriage

[1] Family papers, Mrs. William C. Pennington.

through the blood-stained streets to the ship which took them away, three lonely, destitute orphans. There were others escaping at the same time who knew this family, and acquainted the French consul in Baltimore with their situation.

Victoire and the little Emile were adopted by Madame Le Peltier, who was then supporting herself by teaching, but the young girl finally went to live with relatives in the West Indies. Honore Pierre and Emile remained in America, and the education of Emile was provided for on the return of his benefactress to France, by Charles Carroll of Carrollton. In gratitude to Madame Le Peltier, Honore Pierre's name was changed to Honore Perigny. He became a teacher of languages, after his education was finished, until his marriage in 1818, to a lady of some fortune in Louisiana. Pierre lived with Mrs. Harper for some time, and was intimate with Charles Carroll's grandsons, corresponding with them while they were at school in Paris, and at college on their return to America. He became a physician, living also in Louisiana, and his son and grandson bore the name of Charles Carroll Morancy, in grateful remembrance of the benefactor of the family, Charles Carroll of Carrollton. Many letters from Charles Carroll to the Morancy brothers were among their cherished possessions and descended to their children, but were lost in the havoc of the war between the States.[1]

[1] Data furnished by a descendant of Pierre Morancy.

CHAPTER IX.

THE LAST OF THE SIGNERS.

1820–1832.

THE year 1820 is memorable as the year when Missouri was admitted into the Union, when "the South reluctantly submitted to the so-called 'compromise' proposed by Henry Clay; the first of a long series of compromises in all of which the South purchased over again what was already hers, while all in the North took credit for generosity or complained of wrong, because she, [the North], yielded to her partner some small fraction of equal privilege and common property, arrogating the rest to herself."[1] The "compromises" came to an end in 1861, and descendants of Charles Carroll of Carrollton, among other gallant Marylanders, took up arms for the rights of the South in the war that ensued, for the principles expounded in the immortal Declaration of Independence which their ancestor had signed. Charles Carroll, however, saw not the signs of the times, it would appear, from his political

[1] "History of the United States," by Percy Greg, American Edition, vol. i., p. 324.

allusions in the letters to Robert Goodloe Harper written at this period :

"*Annapolis, 17th February 1820 :* Mr. Bullet who heard Mr. King's speech Friday last was disappointed. He thought it defective in argument, declamatory and inflammatory. Economy is said to be the order of the day at Washington ; such a waste of time on the Missouri question is certainly incompatible with that order. The ardor and perseverance with which the debate is pursued give room to suspect that something else than the exclusion of slaves from the Missouri State is at the bottom. Will a bankrupt law be passed this session ? Is there any chance of getting an act to compel the purchasers of lands in the western country to pay ready money for them ? Will any measures be adopted by Congress to prevent abuses, such as have been committed by the president, cashier, and other officers in the office of Discount and Deposit in Baltimore ? These matters are certainly of more importance to the Union than the Missouri question. The opinion of all acquainted with banking is that a good direction cannot be insured without giving every share a vote. I hope Mrs. Decatur's party was fully attended, and I doubt not great elegance and taste were displayed by the mistress of the mansion, to whom and to the Commodore I desire to be kindly remembered. Mr. and Mrs. McTavish intend to pay them a visit as soon as the road gets settled."

"*April 19th :* The brig on board of which Mr. and Mrs. Patterson have taken their passage has passed Annapolis and is nearly out of sight. I write this half hour past four o'clock.

"*April 23rd :* Mr. Walsh has sent me four of the *National Gazettes*, no doubt with the expectation that I

should become a subscriber. That the Gazette will be ably conducted, and contain many interesting dissertations and essays, the talents of Mr. Walsh are a sufficient guarantee; but why keep alive the question of slavery? It is admitted by all to be a great evil; let an effectual mode of getting rid of it be pointed out, or let the question sleep forever; the compromise will prevent the extension of slavery beyond 36 degrees north and west of the Missouri. It appears from the latest accounts from Madrid that Ferdinand has proclaimed his adherence to the Constitution made by the Cortes, 1812. Is that the last Constitution? If it be many alterations must be made to render it durable."[1]

Emily Caton had married John McTavish a Scotch gentleman, who had removed to Canada and was sent as consul to the port of Baltimore. After his marriage Mr. McTavish made his home in Maryland.

In one of Charles Carroll's letters written in April, 1820, he refers to several tracts of land he owned "on Sugar and Pine Creeks in Pennsylvania," which he has devised to his two daughters, and the four daughters of his son, Charles Carroll, Jr. It seems that Charles Carroll of Carrollton owned, "in various parts of Pennsylvania, 27,691 acres of land, part of which lay in Bradford County."[2]

The death of Decatur in a duel with Commodore Barron took place March 22d, 1820, and the grief-stricken widow was staying with her friends in Annapolis in May. Charles Carroll writes on the 10th: "Mrs. Decatur continues much in the same

[1] Family papers, Mrs. William C. Pennington.

[2] Charles Carroll of Carrollton, p. 15, Rev. Horace E. Hayden. See also Appendix, Will of Charles Carroll.

state as when you left us. She cannot be prevailed on to go out in the carriage, or even to walk in the garden ; she eats little and sleeps little." He was at "Doughoregan" soon after, where Mrs. Caton and Mrs. Decatur join him June 3d ; "the exercise and change of air," he says, "has greatly benefited Mrs. Decatur, her spirits are more composed, she dines with us and converses more." Of his business affairs and the stringency of the times, Charles Carroll writes, in connection with banks and banking:

"The Congress has passed an act in relation to the banks in the district of Columbia. I am considerably interested in the Bank of Columbia, holding 236 shares. It is very uncertain whether the Bank of the United States will make a dividend next month. I receive no money but from bank dividends, and these must be applied to the annuities of my children. Upwards of $3,000 are due to me in Baltimore for rents which cannot be collected, or are not ; large sums are due for interest, which the debtors give themselves no concern about."

The latest foreign news receives attention in a letter dated July 25th :

"I got by the stage this morning Monday's Gazette. I find the Queen has arrived in England ; I suspect her coming was encouraged by the Opposition to perplex the ministry. These men want to be ministers ; a station in the present situation of England, in my opinion, no ways desirable. Subjects of discomfort enough exist without adding to them the embarrassment which the Queen's arrival will occasion, and the riots it has already excited, and probably will excite still greater." [1]

[1] Family papers, Mrs. William C. Pennington.

With his family about him, children and grandchildren, and interesting company staying in the house, the summers at "Doughoregan Manor" in these years, were seasons to Charles Carroll of social and domestic pleasure, agreeable to contemplate. Among his visitors, in 1818, as we have seen, were the British Minister, Mr. Bagot and his wife. The former is described at this time as "about 35, tall, elegant, and rather graceful in person, countenance open and ingenuous, English complexion, and eyes mild though dark. He has thrown aside English reserve and hauteur, and attends to all with equal courtesy," [1] says this writer.

And Watterston gives a pen-portrait of another distinguished foreigner, who had lived many years in the United States, having left France to escape Napoleon's tyranny, and who was also a friend of Charles Carroll of Carrollton's and a visitor at the Manor. This was the French Minister, Mons. Hyde de Neuville, a "fat, portly gentleman, with a broad chest, big head, and short neck. He is full of Bourbon importance and French vivacity, has *petit soupers* every Saturday evening during the winter, and spends his summer at the springs, or his country residence, in extolling the virtues of his beloved Louis *le desiré*." [2] He and his wife Madame de Neuville gave an elegant entertainment on the birthnight of the Duchesse d' Angoulême, in December, 1817.

Adam Hodgson, an Englishman travelling in

[1] "Letters from Washington, by a Foreigner" [George Watterston, Librarian of Congress], 1818.

[2] *Ibid.*

America in 1820, has left on record a detailed account of a visit to "Doughoregan Manor" in July of this year which brings vividly to view the household and its guests, and the genial, courteous host. Writing from Baltimore, July 13th, he says:

"I have lately been paying some very agreeable visits at the country-seats of some of my acquaintances in the neighborhood. . . . The other morning I set out, at four o'clock, with General H [arper?] on a visit to a most agreeable family, who reside on a large Manor, about seventeen miles distant. We arrived about seven o'clock and the family soon afterwards assembled to breakfast. It consisted of several friends from France, Canada, and Washington and of the children and grandchildren of my host, a venerable patriarch, nearly eighty-five [eighty-three] years of age, and one of the four survivors of those who signed the Declaration of Independence. The house, situated in an extensive manor, is a large, unpretending mansion, and the whole domestic economy is substantially English. After breakfast Mr. C. retired to his study, and General H [arper?] conducted me to my room, where I read the *Edinburgh Review* till nearly dinner time, the weather being too hot for exercise, and each person being left to his own pursuits. The family portraits in the dining-room, comprised two or three generations, in their appropriate costume; and among others, was one of Mr. C. himself, painted, as he told me, by Sir Joshua Reynolds, more than sixty years since.

"In the cool of the evening three ponies were brought out for the children, who had been anticipating their evening ride all day with great glee. As the General rode with them, leading the ponies of the little girls with long reins, I was reminded with feelings of a melancholy

pleasure, of 'days that must return no more.' It was a beautiful night, and we sat, talking in the porch, till a late hour, admiring the brilliant stars. General H's travels on the Continent, Mr. ——'s residence in Canada, the Count's budget of news from France, and my Indian tour, furnished the subject of conversation. After breakfast the following morning, the ladies played for us on the harp; and in the evening, I set out on horseback, to return hither, not without a feeling of regret, that I had probably taken a final leave of my hospitable friend, who although still an expert horseman, seldom goes beyond the limits of his manor. I had, however, seen him riding in a long procession, through the streets of Baltimore, holding in his hand, the Declaration of Independence, which he delivered to the orator of the day, at the monument of General Washington. Among the distinguished personages at his house, I forgot to mention a little lap-dog, which Lord Wellington gave to Madame Jerome Bonaparte, who, you will recollect, is a very near connection of the family." [1]

A New England tourist had passed by "Doughoregan Manor" in the summer of 1819, which he ignorantly calls "Carrollton," but he did not stop to pay his respects to the retired statesman living there. He notes that there was no town of "Carrollton" [sic] only Charles Carroll's plantation, on which there were nearly a thousand slaves, and which produced, twenty thousand bushels of wheat. "Attached to the house," he observes, "was a small Roman Catholic chapel." "He is now very old," writes Jared Sparks,

[1] Hodgson's "Letters from North America," London, 1824. Letter xx., vol. i., p. 326.

"but still active." [1] Charles Carroll of Carrollton is thus described in a newspaper of this year:

"Of activity of body, and energy of mind, evidencing a constitution preserved by the strictest discipline, which promises him long to this country and the community of which he has long been considered the most venerable and distinguished ornament. His mansion has given celebrity to the hospitality of Maryland, by being opened to distinguished visitors from every quarter of the Union and every civilized country of the globe. The utility of his public life is gilded by the peaceful beams of his declining years. A worthy associate of those men whose names are engraven upon a bolder monument than the pyramids of Egypt." [2]

A re-survey of "Doughoregan Manor," with the additions to the original tract, was made December 4th, 1820. And as so enlarged it contained 13,361½ acres: "Beginning at a stone heretofore planted near the east side of the public road leading from Baltimore to Rockville in Montgomery County, marked with the following inscription, to wit:

Here Stand the Beginning Trees of Doughoregan,
Push Pin and
the Girl's Portion." [3]

Charles Carroll was in Annapolis the following winter and spring, where children and grandchildren were staying with him in April, when he writes to Robert Goodloe Harper on the 16th, that "Mr. and Mrs. Patterson and my son, and Mr. and Mrs.

[1] Adams's "Life and Writings of Jared Sparks," vol. i., p. 151.
[2] Riley's "History of Annapolis," p. 256.
[3] Land Office, Deeds, Annapolis.

McTavish intend to visit Mrs. Lloyd. During their absence Mrs. Caton will accompany me to 'Melwood;' our stay there will not exceed two days. I shall return to Annapolis on the 1st or 2nd May. Mrs. Caton may possibly pay Mrs. Decatur a visit." He returned to Annapolis from "Melwood," May 1st, stopping on the way to dine with the Ogles at "Bel Air," and pay "a flying visit to the priests at White Marsh."[1] The following pious letter was written by Charles Carroll of Carrollton to his son, while the latter was at "Doughoregan" attending to his father's affairs there.

April 12th, 1821.

In writing to you I deem it my duty to call your attention to the shortness of this life, and the certainty of death, and the dreadful judgment we must all undergo, and on the decision of which a happy or a miserable eternity depends. The impious has said in his heart, "There is no God." He would willingly believe there is no God; the passions, the corruptions of his heart would fain persuade him there is none. The stings of conscience betray the emptiness of the delusion; the heavens proclaim the existence of God, and unperverted reason teaches that He must love virtue and hate vice, and reward the one and punish the other.

The wisest and the best of the ancients believed in the immortality of the soul, and the Gospel has established the great truth of a future state of rewards and punishments. My desire to induce you to reflect on futurity, and by a virtuous life to merit heaven, have suggested the above reflections and warnings. The approaching festival of Easter, and the merits and mercies of our

[1] Family papers, Mrs. William C. Pennington.

Redeemer *copiosa assudeum redemptio* have lead me into this chain of meditation and reasoning, and have inspired me with the hope of finding mercy before my Judge, and of being happy in the life to come, a happiness I wish you to participate with me by infusing into your heart a similar hope. Should this letter produce such a change, it will comfort me, and impart to you that peace of mind which the world cannot give, and which I am sure you have long ceased to enjoy.

As we shall now probably have pleasant weather, a jaunt to Carrollton will be of service to you. Before you leave the Manor, desire Mr. Dean to have an eye to the gardeners.

God bless you, from yr. aff. father
CH. CARROLL OF CARROLLTON.[1]

In a letter to his son-in-law, Richard Caton, written from the Manor, July 20th, Charles Carroll of Carrollton in the midst of business details, inserts a paragraph or two which may be quoted: "We have had a fine rain this morning, between four and five o'clock," says the energetic old gentleman who still preserved his habit of early rising, "I hope we shall have more; the corn, tobacco, and young clover wanted rain, and more than has yet fallen here. . . . When will the brick and plaster and scantling for the Catholic Chapel at Annapolis be forwarded to that city?"[2]

This Roman Catholic Chapel, called St. Mary's Church, was not completed until about 1830, and it was erected chiefly through the liberality of

[1] Family papers, Hon. John Lee Carroll. Published in part in *Appleton's Journal*, Sept. 19th, 1874.

[2] MS: Letter, Frank D. Andrews, Vineland, New Jersey.

Charles Carroll of Carrollton. It stood on the Duke of Gloucester Street, and was in good condition when Ridgely described it in 1839.[1] It was torn down only a few years ago, on account of its unsafe condition.[2]

William Pinkney died in 1822, and in this same year John Eager Howard lost his wife. Both events are alluded to in letters of Charles Carroll of Carrollton to Robert Goodloe Harper:

"*Baltimore, 28th February, 1822:* I presume the suddenness and violence of poor Pinkney's disorder prevented him from making a will during his illness, and if not made previously to it, probably he has made none. His death is a heavy loss to his family. Mr. Oliver told me he believed Pinkney had saved and laid up $30,000. This sum divided among his children will make but a scanty fortune to each."

"*Doughoregan, 21st June:* We are all well; nothing further from Mr. de Neuville. I am concerned to hear that Judge Chase is so declining; to him, to his family, and to the family with which you now reside, I desire to be kindly remembered."

"*October 22nd:* How is Col. Howard? This last blow notwithstanding the firmness of his character, has made a deep impression on his mind and heart; though averse he may be from seeing company, yet the visit of a friend might console him, at least discover that you feel for him. I suggest the propriety of calling on him. Should he decline your visit, you may learn from his son Ben how he bears his loss."[3]

[1] Ridgely's "Annals of Annapolis," p. 245.

[2] Riley's "History of Annapolis," p. 304.

[3] Family papers, Mrs. William C. Pennington.

The Potomac Company of which Charles Carroll had so long been a member was merged in 1823 into the Chesapeake and Ohio Canal Company. Virginia, Maryland, Pennsylvania, and the District of Columbia, sent delegates to a convention to meet in Washington to organize the Company, which had for its object the construction of a canal along the Potomac River to its head, and from that point to the waters of the Ohio. They met on the 6th of November, and the new company was incorporated, January 27, 1824.

The Alum Works Company was another enterprise in which Charles Carroll was interested at this time. He wrote on the 12th of May 1823, about the alum which was to be reserved for his use, sufficient to pay his last note of $1000 given to Mr. Mitchell, agent of the Alum Works Company. This corporation failed and judgments were rendered against the Alum Works in November of this year. Among the visitors at "Doughoregan Manor" in the fall of 1823, was the Count de Menon, either the nephew or brother-in-law of Madame le Peltier, and this was very probably the same French Count who is mentioned as at "Doughoregan" in 1820. The last letter of importance in the correspondence of Charles Carroll of Carrollton with his son-in-law Robert Goodloe Harper, was written from "Doughoregan," 12th of August, 1824. General Harper, who was then in failing health, was, with his family, visiting his brother-in-law, Dr. Joseph Speed, in Tompkins County, New York. After some details about the crops in Maryland, Charles Carroll adds:

"I dwell on these matters as I have nothing more interesting. No doubt the newspapers have informed you of the sudden death of our Chancellor Johnson; it is conjectured Mr. John Buchanan will be his successor. We have not received any late letters from England; by the last, early in June, Mrs. Patterson's health was improving. Mr. and Mrs. Bayard will leave us next Tuesday, the 17th inst. The late proceedings in Albany seem to promise Mr. Crawford a better chance of being President. I apprehended your accommodations on a considerable part of your route would be very indifferent, and would lessen the pleasure if not the benefit of travelling. I find they have been comfortable all the way, and in most instances good. This proves that it is wrong to anticipate evils which may never happen; a lesson I would impress on Mrs. Harper, too apt to look on the gloomy side of incidents that may occur through life. Give my love to her and your children. I suppose we may expect you about the 20th of September, when I hope we shall have the consolation of beholding you greatly benefited by your journey."[1]

General Harper died in Baltimore, January 15, 1825. Mary Sophia Carroll, the second daughter of Charles Carroll of "Homewood" and Harriet Chew, born in 1804, had married the Hon. Richard H. Bayard of Delaware, and was visiting with her husband at the Manor in August, 1824, as has been seen. The great incident of interest in America marking the year 1824, was the visit to its shores of General Lafayette. Preparations were early made in Virginia, for a celebration at Yorktown, the scene of the

[1] Family papers, Mrs. William C. Pennington.

surrender of Cornwallis, on the 19th of October, the anniversary of this event. Madison, Jefferson, and Charles Carroll of Carrollton were all invited to be present but declined "from age and infirmities." Charles Carroll wrote the following letter expressing his regret at his inability to be present.

BALTIMORE, October 5th, 1824.

SIR: I received this morning your letter of the 27th past. I am flattered by the volunteer companies of Virginia in inviting me to the village of Yorktown on the 19th instant. My advanced age prevents my being present at the place where the surrender of Lord Cornwallis to the united American and French Forces, sealed our independence. The recollection of a scene so long past will be highly gratifying to the nation's guest, who by his valor and services contributed to that important event. I remain, with great respect, Sir, your most humble servant,

CH. CARROLL OF CARROLLTON.

ROBERT G. SCOTT, ESQ., Richmond, Va.[1]

In Maryland, the two most conspicuous survivors of the Revolutionary period were Charles Carroll of Carrollton and John Eager Howard. And they were associated together in a toast proposed, at this time, by George Washington Parke Custis of "Arlington," when he drank to Baltimore, "the city of Howard and Carroll." Lafayette came to Baltimore from Philadelphia, October 7th, with a party of gentlemen among whom was John Quincy Adams, who has left in his memoirs an account of the reception of "the nation's guest" in the Monumental city.

[1] Niles's Register, vol. xxvii., p. 120.

At Fort McHenry, he says, they were met by the Governor of Maryland and others.

"Mr. Charles Carroll of Carrollton, one of the three surviving signers of the Declaration of Independence, Col. John Eager Howard . . . and several other veterans of the same class were there, all deeply affected by the scene which was purely pathetic. After partaking of a collation in the tent (used by General Washington during the Revolutionary War and borrowed from Mr. Custis of Arlington) the procession for the general's entry into the city was formed." [1]

Charles Carroll of Carrollton formed a part of this pageant, which is fully described also in the news papers of the day. Lafayette was entertained at "Belvedere" by Col. Howard. And on the night of the 9th of October a grand ball was given to Lafayette, at which Charles Carroll of Carrollton was present for part of the evening.

We learn from the memoirs of John Quincy Adams, something further as to Charles Carroll's political sentiments at this time. In the winter of 1824–1825, there were four Presidential candidates in the field, John Quincy Adams, Henry Clay, William H. Crawford and Andrew Jackson, all of them professing to be "Republicans," or Democrats, for the party of the Federalists had ceased to exist as an organization, though it had its representatives in individuals. From Charles Carroll's allusion to Crawford's chances for the Presidency in his letter of August, 1824, it would seem that he advo-

[1] "Memoirs of John Quincy Adams," vol. vi., p. 426.

cated the cause of the able Georgian. In February, 1825, it appears that as between Adams and Jackson, he preferred the latter, believing that he would be less inimical to the Federalist remnant. In this opinion he was supported by Roger Brooke Taney. John Quincy Adams who was then in Washington writes:

"Mr. Warfield came . . . He said that he had not expressed his determination for whom he should vote in the House on Wednesday. His friends, Mr. Charles Carroll of Carrollton, and Mr. Taney, of Baltimore, had urged him to vote for General Jackson, under an impression that if I should be elected, the administration would be conducted on the principle of proscribing the Federal party. I said I regretted much that Mr. Carroll for whose character I entertained a profound veneration, and Mr. Taney, of whose talents I had heard high encomium, should harbor such opinions of me." [1]

The biographer of Judge Taney informs us that the latter's conversion to Democracy, in which change of faith he was joined by many other Maryland Federalists, was caused by the publication in 1824, of the correspondence of Monroe and Jackson, 1816–1817, on the subject of the New England Federalists and their attitude in the war of 1812, the proceedings of the Hartford Convention having been kept secret by those engaged in it.

Charles Carroll of "Homewood" died on the 3d of April, 1825. He had been the object of his father's tender affection and solicitude as the correspondence

[1] *Ibid.*, vol. vi., p. 499.

of Charles Carroll of Carrollton testifies. In one of these many letters of shrewd, practical wisdom, and pious exhortation, the good man writes to his son: "God bless and prepare you for a better world, for the present is but a passing meteor compared to eternity." Writing to him in the summer of 1809, when his health was not good, the father says: "This cool weather will contribute to remove your indisposition, but you must lend your assistance by keeping your mind employed, by due exercise of body and mind, and by a light regimen and abstinence from wine and heating liquors, by going to bed at nine o'clock and rising by five o'clock in the morning. I believe lounging in bed after waking in the morning, to be very injurious to health, particularly to persons inclined to a corpulent habit. I prescribe nothing for you but what I practice myself." In one of his letter of 1815, Charles Carroll says: "While Mr. Hurley remains with you I hope you will profit by his good advice. At the hour of your death, ah! my son, you will feel the emptiness of all sublunary things; and that hour may be much nearer than you expect. Think well on it, I mean your eternal welfare."

Charles Carroll, Jr., was handsome in feature, and of winning, agreeable manners, characteristics calculated to render him socially popular. He left, with other children, a son, of whom mention has been made, the fifth of the name and line, known later as Col. Charles Carroll to whom his grandfather devised "Doughoregan Manor." Charles Carroll of Carrollton had now survived both his favorite son-

in-law and his only son. He was eighty-nine years old, and the following deeply impressive letter was written by him in September, 1825, apparently in response to one from a friend, perhaps the editor of the *National Journal.*

"On the 20th of this month I entered into my eighty-ninth year. This, in any country, would be deemed a long life, yet as you observe, if it has not been directed to the only end for which man was created, it is a mere nothing, an empty phantom, an indivisible point, compared with eternity. Too much of my time and attention have been misapplied on matters to which an impartial judge, penetrating the secrets of hearts, before whom I shall soon appear, will ascribe [no?] merit deserving recompense. On the mercy of my Redeemer I rely for salvation, and on His merits; not on the works I have done in obedience to His precepts, for even these, I fear, a mixture of alloy will render unavailing and cause to be rejected." [1]

Though he had reached such an advanced age, Charles Carroll's mind was still vigorous, and his interest in public affairs unabated. The publication of the debates in the Federal Convention, up to this time kept secret, drew men's minds to the consideration of the formation of the existing Federal Government. And Charles Carroll of Carrollton, it seems, still cherished his old fears as to the dangers menacing the central system from the sovereign States that had delegated to it some of their powers.

[1] Niles's Register, vol. xxx., p. 374. *The National Journal*, July, 1826.

Judge Hanson had lent him the volume which he returned with the following note:

"Mr. Carroll returns to Judge Hanson the book containing the secret debates and proceedings of the Convention. Mr. [the name illegible] and others who opposed the Confederation were apprehensive that the general government would swallow up the State governments. I wish to God the very reverse may not happen. I already discover the seeds of such an event; both must be preserved to insure the continuance of Liberty in the spirit of the Constitutions of both.

26th February, 1826.

[Endorsed] The Honorable Judge Hanson."[1]

The year 1826 had brought round the fiftieth anniversary of the signing of the Declaration of Independence, the semi-centennial of the birth of the States forming the "Confederation" of 1789, as Charles Carroll styled the existing Union, and all eyes were turned upon the three men still living who had signed the immortal charter of '76, one of them, indeed, being the illustrious Virginian who had penned it. The Erie Canal had just been completed, uniting the Northern Lakes with the Atlantic Ocean, and the city of New York, in striking medals to commemorate this important event, ordered that the three highest, made of gold, should be presented to the three survivors of the signers, Thomas Jefferson, John Adams and Charles Carroll of Carrollton. To the Committee which presented him with this token of reverence and regard, Charles Carroll wrote as follows:

[1] Pennsylvania Historical Society.

Baltimore, May 9th, 1826: Gentlemen, I was this day highly gratified by your letter of the 28th past, and the delivery of the gold medal, of the highest class, commemorating the completion of the Erie Canal, uniting the great western lakes with the Atlantic Ocean, which as a committee of the corporation of the city of New York, you were instructed to deliver to me, being one of the surviving signers of the Declaration of Independence of these United States. I am much honored by this testimony of respect paid to me by the order of the Common Council of the city of New York for the part I took in signing that important paper.

The completion of the great work, uniting the western lakes with the ocean, does honor to the State of New York. May the benefits resulting from the undertaking amply reward the wise and patriotic exertions of its citizens, and perpetuate to the city of New York its growing prosperity.

Accept, gentlemen, my thanks for your letter and the satisfaction you have expressed in conveying to me this testimony of public respect. I remain, with great respect, gentlemen, your most humble servant,

CHARLES CARROLL OF CARROLLTON.

P. S. I have also received the medal, enclosed in a box made of the maple from Lake Erie. The memoir of the Canal of New York when printed, I request the favor of you to forward to me; it will be a most interesting and instructive communication.[1]

The citizens of Washington invited the surviving signers of the "Declaration" to the celebration of the fiftieth anniversary of American Independence, on the 4th of July, 1826, and also the two ex-Presi-

[1] Niles's Register, vol. xxx., p. 314.

dents, James Madison and James Monroe. All five declined the invitation. Charles Carroll, who had also been asked to attend the celebration in New York and had declined to do so, gave this as a reason for not going to Washington in his letter from "Doughoregan Manor," June 17th, to the chairman of the Washington committee.[1] But no doubt he did not feel able to endure the fatigue and excitement, especially at such a hot season of the year. This memorable 4th of July was signalized by the dramatic death, almost at the same moment, of Jefferson and Adams, leaving Charles Carroll of Carrollton the sole survivor of the Signers. He was now called upon to unite with his fellow-countrymen in paying the last honors to the memory of the two departed statesmen. A committee of the corporation of Baltimore city, accompanied by the Mayor, visited Charles Carroll at "Doughoregan Manor," presenting him with a written request to be present at the memorial services to take place in Baltimore. He replied in a letter addressed to the Mayor:

DOUGHOREGAN MANOR, 16 July, 1826.

SIR:

I request you to convey to the municipal authorities of the city of Baltimore, and to the committee of arrangements, my acceptance of their invitation to join in those ceremonies with which it is intended to commemorate the veneration and respect so justly due to the memories of the two departed and illustrious signers of the Declaration of Independence, who bore so conspicuous a part in that great event. The testimonies of respect to be

[1] *Ibid.*, p. 342.

paid on this solemn occasion to the memories of citizens so deserving of public gratitude, will be a strong incentive to the present and future generations to merit that esteem which disinterested patriotism sooner or later never fails to command.

Accept, Sir, individually, my warm thanks for the honor you have done me on this occasion, and believe me with the greatest respect, Sir, yr. most humble servant,

CH. CARROLL OF CARROLLTON.

To the Honorable John Montgomery, Esq., Mayor of the city of Baltimore.[1]

Three days later Charles Carroll wrote the following interesting letter to Charles H. Wharton of Philadelphia, who was then in Washington:

1826, July 19th, DOUGHOREGAN.

DEAR SIR:

I received the 17th, your friendly letter of the 14th instant. As I am fast approaching to the last scene, which will put an end to all earthly cares and concerns, I am looking to that state from which all care, all solicitude and all passions which agitate mankind are excluded. Revelation instructs us that eternal happiness or eternal misery will be the destiny of man in the life to come; the most pious, the most exemplary have trembled at the thought of the dreadful alternative. Oh! what will be the fate of those who little think of it, or thinking square not their actions accordingly.

Though I disapproved of Mr. Jefferson's Administra-

[1] MS: Letter, Miss M. A. Cohen, Baltimore. Published in Niles's Register, vol. xxx., p. 375.

tion, and was dissatisfied with a part of Mr. Adams', both unquestionably greatly contributed to the Independence of this country ; their services should be remembered, and their errors forgotten and forgiven. This evening I am going to Baltimore to attend tomorrow the procession and ceremonies to be paid to the memories of those praised and dispraised Presidents.

The Baron de Montreul and his family are now here : they are indeed amiable and we are all delighted with their manners, ease, affability and cheerfulness. When they return to France the society of Washington will feel the loss.

I was not in Congress when the vote of Independence was taken. As soon as I took my seat I signed that important declaration, which has thus far produced, and I hope will perpetuate the happiness of these States. You say you should be happy to see me ; why then do you not come to see me. The distance is not great, and you are young compared with me. I shall always be happy to see you at this my summer and autumnal residence. Wishing you health and happiness, I remain, Dear Sir, your friend and humble servant,

CH. CARROLL OF CARROLLTON.[1]

The memorial services in honor of Adams and Jefferson took place on the 20th of July. In the procession was a Funeral Car with black horses and trappings of mourning. This was preceded by the clergy, a band of music playing dirges, and a troop of horse with standard draped in black and swords sheathed. In a barouche following the car were the

[1] MS : Letter, Charles Roberts, Philadelphia. See Brotherhood's *Book of the Signers*, for fac-simile.

distinguished mourners, Charles Carroll of Carrollton, the surviving signer of the Declaration of Independence, General Samuel Smith, who was to be the orator of the day, and Col. John Eager Howard. The Governor of Maryland and his staff followed, with the Executive Council in carriages, the committee of arrangements and the many others who made up the imposing cortege. Charles Carroll was the chief mourner, says a writer of the day, and four generations followed him: "those who fought at Bunker Hill and Yorktown, those who fought at North Point and New Orleans, those now arrived at the point of manhood, and those who clinging to their parents or collected under their instructors (youths at the schools and juvenile institutions) urged the short, rapid steps of infancy to keep pace with the proud ranks that marched along."[1]

Charles Carroll sat for his bust to Browere, at the sculptor's request, in this month, July, 1826, as he mentions in a letter to Archibald Robertson, the artist. The Browere bust of Charles Carroll of Carrollton was exhibited in Baltimore and pronounced an admirable likeness.[2]

DOUGHOREGAN MANOR, July 29, 1826.

SIR:

Mr. Browere has produced and read to me several letters from sundry most respectable personages; on their recommendation and at his request I sat to him to take my bust. He has taken it, and in my opinion and that of my family, and of all who have seen it, the resemblance is most striking. The operation from its com-

[1] Niles's Register, vol. xxx., p. 383. [2] *Ibid.*, p. 411.

mencement to its completion was performed in two hours, with very little inconvenience and no pain to myself.

This bust Mr. Browere contemplates placing, with many others, in a national gallery of busts. That his efforts may be crowned with success is my earnest wish. That his talents and genius deserve it I have no hesitation in pronouncing.

I remain with great respect, Sir, your most humble servant,

CH. CARROLL OF CARROLLTON.

TO ARCHIBALD ROBERTSON.[1]

A letter of John Quincy Adams, written June 24th, 1824, on the subject of the circumstances attending the signing of the Declaration of Independence, was sent to Charles Carroll of Carrollton at "Doughoregan Manor," September 15th, 1826, with the fac-simile copies of the Declaration to which Carroll had appended his signature, August 20th, just fifty years from the day he had originally signed it. Carroll had signed several of these engrossed copies, as the sole survivor of the signers of the original paper. One of the two presented to him in September, 1826, he gave to John McTavish, the husband of his favorite granddaughter. Another one of these copies of the Declaration was "presented to the New York City Library, countersigned by President John Quincy Adams and several of his cabinet officers, and some other public characters, and also endorsed by Governor De Witt Clinton and others of the State of New York. This copy is bound in folio

[1] MS: Letter, Gen. C. W. Darling, Oneida Hist. Society.

form in vellum, and after having been misplaced for many years, has recently been recovered."[1]

A poetess next brought a wreath of bay for the aged patriot's brow, the nonagenarian who held the interesting position of the last of the stalwart band of the Signers of '76, who a half-century before had risked life and fortune for the republican principle of the right of self-government. To Mrs. Sigourney's poetical tribute Charles Carroll made response in a fine and feeling letter.

THE LAST SURVIVOR OF THE SIGNERS OF OUR DECLARATION OF INDEPENDENCE.

ASSYRIA boasted him who humbled Tyre,
Her warrior monarch. Greece the clarion swell'd
For him of Macedon, whose sick 'ning tear
Flow'd o'er the narrow limits of a world,
Though in a wine cup's narrower round his soul,
Dissolving sank. Stern Carthage too was proud
Of old Hamilcar's son, when from the height
Of Alpine cliffs, with vengeful eye she scann'd
Her haughty rival. Rome beset the heavens,
Even while her veins were bursting, with the shout
Of "Io Cæsar!" On red Sweden's sky
A meteor glared, till dire Pultowa quench'd
The wild-fire flame. France trembled as she took
Her idol on her shoulders, and compell'd
Tribute from mightier climes, but the cold blast
That swept Siberian pines breathed o'er his brow,
Proving he was but clay.—
Behold they died!

[1] "Autograph Collections of the United States," Lyman C. Draper, p. 105.

These demigods of earth,—and left their fame
To ravaged realms, and slaughter'd hecatombs,
And widow's tears. But in this western world
Which nature in her bosom long conceal'd,
As her last, precious gem, a band arose
Of nobler heroes. They, no conquest sought,
No throne usurp'd, nor vassal homage claim'd,
But bade the sceptre, and the crowned head
Bow to the righteous cause. Time laid his hand
Upon their silver'd brows, and summon'd all
Save one, who in the dignity of age
Linger'd amid the blessings they had wrought,
Crown'd by a nation's thanks.—
To honor's tomb
He saw his brethren gather'd, one by one,
Yet found *they might not die*.
Amid the haunts
Of industry, who o'er his harvest sings,
Of lettered knowledge, liberty and wealth,
They move illustrious in the gifts they gave.
When to the woodman's axe the forest groans
Brief answer, and the new-born city springs,
It bears their name. Those mighty streams that roll
The tide of commerce o'er our cultured vales,
And ocean's thundering wave which proudly bears
The star-clad banner on its course sublime,
Speak forth their praise.

The husbandman who guides
His caravan far from his father's fields,
On toward the setting sun, and boldly rears
A cell upon the frontiers, makes their deeds
His text-book nightly to his list'ning sons
Who throng the winter fire. Their pictured forms

Look down from halls of taste and wake the soul
Of the young student to heroic deeds.
Babes learn to name them in their murmur'd prayer.
And as Penates, at each household hearth,
Where freedom smiles, they dwell.

Say not 't is *death*
When this clay fabric falls, and weary yields
Each element a part. Is it not *life*
To prompt heroic thought, to cheer the toil
Alike of statesmen and of laboring swain,
To prop the columns of a nation's strength,
And soar on gratitude's unresting wing
Around the earth?—*Such glorious life they live.*[1]

Doughoregan, 14th September, 1826: Madam: I was this day honored with your letter of the 5th instant containing your beautiful verses on departed and forgotten heroes: they have all sunk into the Abyss of oblivion; their fame now exists only in history.

Who are deserving of immortality? they who serve God in truth, and they who have rendered great, essential, and disinterested services and benefits to their country.

To be esteemed and loved by a whole people is most flattering and acceptable; especially to those really meriting that esteem and love. I am not so vain as to consider myself as one of them; I conscientiously voted for the Independence of my country; its cause was righteous, and I lent my feeble aid in its support during the struggle.

Accept, Madam, my thanks for your approbation of

[1] "Poems by the Author of 'Moral Pieces in Prose and Verse,'" Boston, 1827, p. 194.

my conduct and wishes for my health and happiness; the same acknowledgement I beg your husband to accept.

I remain with great respect, Madam,
Your most obedient humble servant
CHARLES CARROLL OF CARROLLTON.

To Madam L. Sigourney, Hartford, Connecticut.[1]

A medal was struck by Charles Carroll to commemorate his ninetieth birthday, September 20, 1826. Three of them were of gold and were given to his daughters and eldest grandson. Silver ones were given the other grandchildren. On one side is the profile bust of Charles Carroll in relief, with the legend round the margin: "To Charles Carroll of Carrollton." On the other face of the medal are the words: "The surviving Signer of the Declaration of Independence after the 50th Anniversary," surrounded by a laurel wreath entwined with ribbon, a scroll, pen, and olive branch, below. And around the margin here is the motto: "Upon entering his 90th. year. Sep. XX. MDCCCXXVI." Charles Carroll is described as he appeared on his birthday anniversary, 1826, by a writer in the *American Farmer*, September 22d, who tells of the present annually made him on this day by some of his neighbors:

"There are more than 100 deer on the Harewood estate, from which the best buck is always selected as an annual offering to the venerable Charles Carroll of Carrollton on his birthday. The last of these occurred

[1] MS: Letter, Charles J. Hoadly, L.L.D. Hartford, Conn.

on Wednesday last, the 20th, when in fine health and spirits he received the heart-felt congratulations of family and friends, at his manor on Elkridge. . . . He plunges into his limestone spring bath every morning before sunrise, and still rides on horseback with pleasure in good weather. A large portion of the day is devoted to reading. He retains his partiality for Latin and French literature."[1]

From the letter of Charles Carroll to Robert Gilmor of Baltimore, written about this time, a quotation has been given in a former chapter:

MANOR, 15th Oct., 1826.

DEAR SIR:

It would give me pleasure to comply with your request but it is not in my power. I held no correspondence with the members of the Revolutionary Congress, except those from Maryland. Many letters passed between Messrs. Chase and Paca and myself on the passing events of that critical period; when those events had gone by, the matter to which they relate ceasing to be interesting to the writers the letters were destroyed, at least those that were directed to me.

I shall be much gratified with the purusal of Doctor Franklin's letter to the Lady on the loss of a dear connection; every subject handled by that great man bore the image of his genius, and none was more suitable to it than administering consolation to the person so deeply afflicted.

With my respects to Mrs. Gilmor, I remain with esteem, Dear Sir, Your most humble servant

CH. CARROLL OF CARROLLTON.[2]

[1] Niles's Register, vol. xxxi., p. 55.

[2] Pennsylvania Historical Society.

Robert Gilmor, it seems, had written to Charles Carroll "requesting his aid in completing a collection of autographs of the signers of the Declaration of Independence," as he notes on the margin of Carroll's letter.

Two pen-pictures of Charles Carroll of Carrollton have come down to us, describing him, in this his ninetieth year; one by Sullivan, who it would appear gives his account at second-hand, and the other, full of enthusiastic appreciation, from Macready, the celebrated actor, who, as he relates, visited Charles Carroll "on his own particular invitation." Sullivan says:

"Mr. Charles Carroll was rather a small and thin person, of very gracious and polished manners. At the age of ninety he was still upright, and could see and hear as well as men commonly do. He had a smiling expression when he spoke, and had none of the reserve which usually attends old age. He was said to have preserved his vigor, by riding on horseback, and by daily bathing in cold water. He was a gentleman of the 'old school' of deportment, which is passing away if not gone."[1]

Charles Carroll was at his winter home, which was then in Baltimore, with his daughter Mrs. Caton, when visited by Macready the latter part of November, 1826. Macready writes that he was

"A man most interesting from his varied and extensive acquirements, and especially as being the last surviving Signer of the Declaration of Independence. He was a rare instance of extreme old age (being then in his ninetieth year) retaining all the vivacity and grace of youth

[1] Sullivan's "Familiar Letters on Public Characters," p. 108, 1833.

with the polish of one educated in the school of Chesterfield. In my life's experience I have never met with a more finished gentleman. At his advanced age he kept up his acquaintance with the classics. He spoke of England with respect, and of his own country, its institutions, its prospects, and its dangers, with perfect freedom, anticipating its eventual greatness, if not marred by faction and the vice of intemperance in the use of ardent spirits, detaining me not unwillingly, more than two hours in most attractive conversation. When at last I was obliged to take my leave, he rose, and to my entreaty that he would not attempt to follow me down stairs, he replied in the liveliest manner, 'Oh, I shall never see you again, and so I will see the last of you.' He shook hands with me at the street door, and I bade a reluctant adieu to one of the noblest samples of manhood I had ever seen, or am ever likely to look upon."[1]

The following letter dictated by Charles Carroll of Carrollton, relating to his ancestry, was written in response to the queries of an Irish gentleman of the same name living in Cork.

BALTIMORE, 24th February, 1827.

SIR:

Mr. Carroll of Carrollton received a letter from you dated the first of December last, enquiring of him if he could inform you if any, and what relationship there may be between you and his family. He desires me to inform you that he has no knowledge of any of the branches of his family in Ireland. His grandfather left England in the year 1688. His father was sent at an early period to France, to receive his education, and was there at the

[1] Macready's "Reminiscences," by Sir Frederick Pollock, Bart., London, 1875, vol. i., p. 322.

time his father (the grandfather of Mr. Carroll of Carrollton) died. He had therefore no opportunity of learning the particulars relating to his family. The arms of your seal are the same he bears. The family [motto] in Ireland previous to his grandfather's coming to America was "*In Fide et in Bello fortes.*" The one adopted by his grandfather on quitting England is "*Ubicumque, cum Libertate.*" He desires me to assure you that it gives him pleasure to hear you are in the enjoyment of ease and independence, with a family possessing the gifts of education and an ample provision.

I am, Sir, your most obedient servant

GEORGE NEILSON.

To Charles Carroll Esq., No. 3 St. Patrick street, Cork, Ireland.[1]

To the editor of a newspaper printed in Annapolis, and called in his honor *The Carrolltonian*, Charles Carroll wrote kindly notes of appreciation, March 20th, and August 22, 1827, accompanied in the first instance by a substantial token of his regard. "Enclosed you will have my check," he writes, "for fifty dollars as an acknowledgment of the compliment paid by the title of *Carrolltonian* given to your newspaper, which I hope meets with the encouragement it deserves and will be profitable."[2] In August, it appears, he had been suffering with inflammation of the eyes of which he speaks to Mr. McNair as his "late indisposition." "I thank you," he adds, "for your friendly sentiments respecting my health and continuance of it, and am pleased

[1] Family papers, Rev. Thomas Sim Lee.

[2] MS: Letter, D. Mc. N. Stauffer, New York.

by your forwarding to the Marchioness Wellesley a complete file of *The Carrolltonian;* she will be amused by the perusal of them and will be gratified by this mark of attention,"[1]

Charles Carroll's granddaughter, Mrs. Robert Patterson had lost her husband in 1822. She, with her two sisters, Mrs. Hervey, afterwards Duchess of Leeds, and Elizabeth Caton, who became later Lady Stafford, were together in England, soon after; and at the country-seat of the Duke of Wellington, where they were visiting, the fair widow met the Duke's elder brother, the Marquis of Wellesley, a widower of sixty-three. He fell in love with the beautiful American, and in 1825, he addressed her and they were married in Dublin, where the Marquis of Wellesley was then living in vice-regal state, as Lord-Lieutenant of Ireland. Here the Marchioness of Wellesley presided, with the Marquis, at a grand ball given on the 11th of May, 1826, seated on a throne, under a canopy of scarlet and gold. At a banquet in Charleston, South Carolina, the 4th of July, 1827, Bishop England, in allusion to these dignities and honors, gave the following toast: "Charles Carroll of Carrollton; in the land from which his grandfather fled in terror, his granddaughter now reigns a queen."[2]

The opinion of Charles Carroll of Carrollton, on public matters, was still sought at this time, by his friends and admirers, but that he was not disposed

[1] MS : Letter, Charles Roberts, Philadelphia.

[2] " The American Graces," by Eugene L. Didier, *Harper's Magazine*, September, 1880.

to make public his views on current politics appears from the following communication to one of his correspondents. Asked to give his preference as to the two candidates for the Presidency, his reply was cautious and non-committal:

"1827, May 25th: I received yesterday your letter of the 23d. I take no part in the contest respecting the election of the next President; of course I give no opinion which of the candidates should be the choice of the people. Anxious for the welfare of the country, my only wish is, that it may fall on him whose measures will be solely directed to the public good." [1]

As in 1824, the contest was again between John Quincy Adams and Andrew Jackson, and this time Jackson was to win. Adams, with Henry Clay as his Secretary of State, had shown himself a Federalist, to all intents and purposes, and this division of the "Republican" party now called themselves "National Republicans," in opposition to the true Democratic party led by Jackson. That Charles Carroll was still a Federalist on the more essential points in controversy, in connection with the Federal and State governments, is manifest from an entertaining letter addressed by him to his old friend, and associate on the Board of War, Richard Peters of Philadelphia.

DOUGHOREGAN, 25th June, 1827.

MY DEAR SIR:

The sentiments expressed in your acceptable and interesting letter accord perfectly with mine. Though no

[1] Niles's Register, vol. xxxii., p. 227.

correspondence has taken place between us since I ceased to be a member of the committee of the Board of War, the drudgery of which fell upon you, the transactions of those days still occupy my thoughts; of course you are frequently an object of them. All who took a part in that hazardous and glorious cause are dear to me; the memory of those gone before us I venerate, the living I love; all acted from principle and all contributed, more or less, to our Independence. The government established by the people will secure their happiness as long as its end, spirit and principles are acted upon and preserved. Should the jealousy and ambition of some States succeed in sapping the powers of it, or so restrict the exercise of them as to control its superintendence over the States within the limits prescribed by the Constitution, the confederacy will be dissolved and all the evils experienced under the first will recur, and in a greater degree in proportion to the increase of population and multiplicity of clashing interests.

I think with you, the addition of new States will not produce, but will rather prevent, at least retard, such an event. Are there not other evils threatening the general government? What government, the principal object of which should be the preservation of morals, can subsist midst their general corruption; what has a greater tendency to corrupt them than the prevalence of drunkenness of the lower classes of society?

I consider the Supreme Court of the United States as the strongest guardian of the powers of Congress and rights of the people; as long as that Court is composed of learned, upright and intrepid judges the Union will be preserved. Would it not be an improvement of the Federal judiciary to make the Supreme Court consisting now of seven judges, reducing that number, merely a

court of appeal, stationed at Washington, holding three terms in each year; that court being so constituted, circuit judges should be appointed sufficient for the administration of justice in this extended and extending empire. But I forget I am writing to a judge, a good and upright one, *Sutor me ultra crepidam.*

I do not correspond with Lafayette; just before his sailing, expecting him in Baltimore, I invited him to my country-seat. I suspect he did not get my letter; in all of yours to him I beg you to assure him of my affectionate remembrance and esteem. I am sorry to learn from your letter that Mr. Jay is lingering under a sickly constitution of body but possessing a mind unimpaired by sickness. I envy your happiness in corresponding with so good and great a man; in my estimation he is one of the brightest characters this country has produced. I yet remember with pleasure a conversation at his house over a bottle of good old Madeira, between him and Mr. Clinton afterwards Vice-President, at which I was present but not bearing any part in it: this incident has probably escaped his memory, but it will never mine.

I am pretty active for a man in his ninetieth year; my rambling is over, and now limited to between this manor and Baltimore. I should be happy to see you again, and of this I despair from the causes mentioned in your letter and in this. Your recovery from your late indisposition will soon permit me [you ?] to resume the cold bath which I have used, at intervals, upwards of fifty years. Since coming here I have gone into my cold bath only thrice owing to the damp and cool weather; when settled and warmer I shall resume the habit. I have always taken great delight in reading; the weakness of my eyes deprives me of that pleasure. Conversing with the dead we are amused and instructed, and not flat-

tered; to be excluded from their conversation at my time of life is a serious misfortune; to be exempt from every evil in this state of probation is the lot of very few, if of any.

You seem to think your letter is too garrulous; I am pleased with its garrulity; *dulceest decipene in loco.* Reflecting on the prosperous termination of the contest with England; the fortitude, steady perseverance displayed and the privations suppressed [*sic*] during its continuance what consolation must they not feel who were actors in it.

With respect and esteem, I remain, Dear Sir,

Your friend and humble servant

CHARLES CARROLL OF CARROLLTON.

To the HON. RICHARD PETERS, Philadelphia.[1]

Home affections and domestic interests occupied now the larger place in the correspondence of the aged statesman. He had written to his agent from Baltimore in May, ordering wagons to be sent in from the Manor to carry things out, preparatory to his removal there for the summer. And in anticipation of the usual hospitality exercised at his country home, two barrels of port wine, containing twenty-five gallons each, had been despatched to the Manor a month or two before.[2]

From "Doughoregan," June 11th, Charles Carroll wrote to his son-in-law, Richard Caton, telling him of the prospects for wheat, of the new lime-kiln, the rebuilding of the saw-mill dam, the putting new stones in the grist-mill, and other plantation affairs.

[1] Pennsylvania Historical Society.

[2] MS. Letter, Worthington C. Ford.

Mrs. Harper, who had not been in good health, had left him that morning to go to the Springs. The latter continues: "When shall I have the pleasure of seeing you and my daughter at the Manor? Little Mary Wellesley has a cold and is teething. The cold affects somewhat her spirits, but I apprehend no danger. I hope the waters of Leamington, change of air, and company, and the return of spring, if they do not perfectly restore the Marchioness's health, will in a great degree alleviate her complaints. It is probable that the Marquis may hold another year the lieutenancy of Ireland." "Mr. Vaughn" is mentioned as at the Manor in July, and he goes from there to Long Branch. Mrs. McTavish was, (with her family,) spending the summer with her grandfather.

Charles Carroll rented his house and garden in Annapolis to Mr. John Randall in 1827. His farm near the town was rented to a Mr. Nichols, who raised tobacco on it, having several hogsheads on hand in August of this year. In September we find Charles Carroll importing a quantity of wine from Leghorn, for the use of his family.[1] One other letter of Charles Carroll of Carrollton's, of general interest, is extant, written in 1827. This was addressed to the Rev. John Standford, of New York, and is upon the subject of religious liberty:

DOUGHOREGAN, October 9, 1827.

REVEREND AND DEAR SIR:

I was yesterday favored with your friendly letter of the 10th past, and the discourses on the opening of the House

[1] Letters to Richard Caton, Esq.

of Refuge and on the death of Jefferson and Adams. The former I have not yet read. With the latter I am highly pleased and I sincerely thank you for your pious wishes for my happiness in the life to come. Your sentiments on religious liberty coincide entirely with mine. To obtain religious, as well as civil liberty, I entered zealously into the Revolution, and observing the Christian religion divided into many sects, I founded the hope that no one would be so predominant as to become the religion of the State. That hope was thus early entertained, because all of them joined in the same cause, with few exceptions of individuals. God grant that this religious liberty may be preserved in these States, to the end of time, and that all believing in the religion of Christ may practice the leading principle of charity, the basis of every virtue.

I remain with great respect, Rev. Sir,
Your most humble Servant,
CHARLES CARROLL OF CAROLLTON.

To the Rev. JOHN STANDFORD, Chaplain of Humane and Criminal Institutions in the City of New York.[1]

It was about this time that John H. B. Latrobe published his sketch of Charles Carroll of Carrollton, in Sanderson's *Biography of the Signers*. Mr. Latrobe writes in later years:

"After I had finished my work, I took it to Mr. Carroll whom I knew very well indeed, and read it to him, as he was seated in an arm chair in his own room in his son-in-law's house in Baltimore. He listened with marked attention and without a comment until I had ceased to read, when after a pause he said: 'Why, Latrobe, you have made a

[1] Scharf's "History of Maryland," vol. ii., p. 136, foot-note.

much greater man of me than I ever thought I was ; and yet really you have said nothing in what you have written that is not true.' In my mind's eye I see Mr. Carroll now, a small, attenuated old man, with a prominent nose and somewhat receding chin, small eyes that sparkled when he was interested in conversation. His head was small and his hair white, rather long and silky, while his face and forehead were seamed with wrinkles. But old and feeble as he seemed to be, his manner and speech were those of a refined and courteous gentleman, and you saw at a glance whence came by inheritance the charm of manner that so eminently distinguished his son, Charles Carroll of Homewood, and his daughters Mrs. Harper and Mrs. Caton."

James Monroe published a pamphlet in 1828, addressed to the "people and government of the United States," sending a copy to Charles Carroll of Carrollton. The latter wrote the following letter of thanks in reply :

BALTIMORE, 23d April, 1828.

DEAR SIR :

I received a few days since, your friendly letter of the 18th instant, conveying your Memoir to the people and government of the United States. I have not yet had time to read the whole, but will, with all the attention the subject requires. From a passage in your letter I derive the hope of a personal interview, when we will discourse on the subjects detailed in your Memoir and on the transactions your letter has recalled to my recollection. In speaking of my services to our country, all that in truth I can say is, that you overrate them ; they were, how-

[1] *Appleton's Cyclopædia of American Biography*, edition of 1888, art. on Charles Carroll of Carrollton.

ever, disinterested, persevering and confident of ultimate success. I remain with great respect, dear Sir,

Your most humble servant,

CH. CARROLL OF CARROLLTON.

To JAMES MONROE, Esq., late President of the United States, Aldie, Loudon Co., Virginia.[1]

A compliment was paid to Charles Carroll of Carrollton in May 1828, by the House of Representatives in bestowing upon him the franking privilege. This is given him, said the Speaker, as a "token of distinguished respect and veneration which Congress entertains toward an early and devoted friend to liberty, and one who stood eminently forward in the purest and noblest band of patriots that the world has ever seen." Charles Carroll replied: "This privilege I consider an honorable approbation of the part I took in the Revolution, and commands my grateful acknowledgments and thanks." [2]

The 4th of July, 1822, was celebrated in Maryland by the laying the corner-stone of the Baltimore and Ohio Railroad by the Grand Lodge of Masons, in which ceremonies Charles Carroll of Carrollton bore a conspicuous part. The pick, spade, hammer and trowel that were to be used were all presented to Charles Carroll by the Blacksmiths' Association, and he wrote a letter to them July 15th, thanking them for an address they had made to him, and saying he had delivered these instruments to the directors of the road, to be employed in its construction. He adds:

[1] MS. Letter, D. McN. Stauffer, New York.

[2] Niles's Register, vol. xxxiv., p. 216.

"You observe that republics *can* exist, and that the people under that form of government can be happier than under any other. That the republic created by the Declaration of Independence may continue to the end of time is my fervent prayer. That protracted existence, however, will depend on the morality, sobriety and industry of the people, and on no part more than on the mechanics, forming in our cities the greatest number of their most useful inhabitants."[1]

The implements here enumerated are still preserved, and with the badge worn by Charles Carroll of Carrollton on this occasion, were among the relics exhibited by the Baltimore and Ohio Railroad at the World's Fair in Chicago. Charles Carroll was on the first Board of Directors of this, the first Railroad Company in the United States. In a letter to William Gibbons, written February 28th, 1829, Charles Carroll has something to say on the question then agitating England, of "Catholic Emancipation":

"The Duke of Wellington's letter to the R. C. primate satisfies me that the Roman Catholic will never be restored to equal rights with the rest of the King's subjects until the British nation cease to be persecuting, the Established Church [becomes?] dispassionate and disinterested, and the Protestant ascendancy in Ireland cease to be selfish. I am pleased with the Primate's answer to the Duke's letter. It speaks the language of truth; 'you dare not from the fear of losing your place, hazard the attempt of getting an act passed which you think just, and conducive to the welfare of your country.'

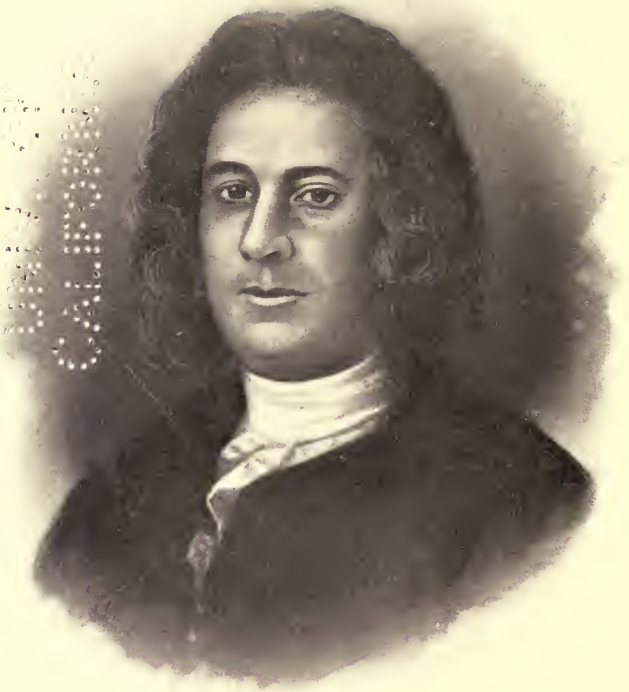
[1] *Ibid.*, p. 346.

I am of the Primate's opinion; were the Emancipation act passed all the virulence of party and opposition would cease in a few weeks after its passage." [1]

On the death of Bushrod Washington, Charles Carroll of Carrollton was elected president of the American Colonization Society, February, 1830. Charles Carroll was now obliged, from his impaired sight, to employ an amanuensis. Two letters of his are extant written in 1830, one to the Rev. Mr. Sprague, of Albany, giving an account of his genealogy, from which extracts have been made in previous chapters, and the other to the Superior of the Sulpitians, upon donating land and fifty shares of bank stock to St. Charles College, Howard County (formerly Anne Arundel). The corner-stone of St. Charles College was laid by Charles Carroll of Carrollton on ground which had been part of the Manor estate, July 11th, 1831. In the letter referred to, conveying the deed, Charles Carroll writes: "I request that mass be said once a month for myself and family. . . . That this gift may be useful to religion and aid our church in rearing those who will guide us in the way of truth, is the fervent prayer of your sincere friend, etc." [2] The College, with its imposing buildings and beautiful grounds, is to-day in a flourishing condition and one of its priests holds services regularly in the Chapel of "Doughoregan Manor," a walk of about a mile, after crossing the turnpike road, through the Manor park.

[1] New York State Library, Albany, N. Y.

[2] Records, Clerk's Office, Ellicott City, Md. Family papers, Rev. Thomas Sim Lee.



CHARLES CARROLL OF ANNAPOLIS.

1702–1782

The Rev. Mr. Pise in his oration upon Charles Carroll, previously quoted, gives an interesting picture of him in these last years of his life. From 1822 to 1832 Mr. Pise had been honored, as he says, with the familiar acquaintance of Charles Carroll of Carrollton "and his delightful family." He tells, from personal observation of this

"venerable and serene old age; of those rare virtues which adorned him, of his simplicity of heart and manner, urbanity, elegant hospitality, social intercourse with his friends, solicitude and care for his domestics and slaves, suavity, alacrity, charity, liberality, piety, religion, [to which] thousands can bear testimony. I have seen him. . . . spending his summers under the shade of those trees which his father's hand had planted nearly a century and a half ago, and which *consociare amant* love to twine their hospitable boughs over the venerable mansion of 'Doughoregan.'"

He then describes his manner of life in summer, enumerating the early rising, the cold bath, and morning ride on horseback, followed by prayers, or hearing mass in the chapel, if the chaplain was there. Later the hours given to reading his favorite English authors, Pope and Addison, and the other writers he had learned to love in his youth; the Greek and Roman classics, with volumes such as Wraxall's *Memoirs*, Eustace's *Travels in Italy*, of which he makes mention in some of his letters. He was fond, too, of French literature. His "conversations with the dead" were varied by conversation with his guests, the Manor seldom being without visitors.

Of the winter months spent with Mrs. Caton in Baltimore, Mr. Pise writes:

"Nothing could be more delightful than the fireside character of this amiable Patriot. The social nature of the hearth and the blaze seemed to excite his spirits to an unrestrained flow of conversation, wit, hilarity and jocose entertainment. His old age was the very reverse of that of the generality of mankind, as described by Horace. . . . . He found fault with none, and so far from being a *castigator minorum*, he displayed peculiar condescension, and evinced an especial partiality towards the young, in whose company he appeared to catch once more, all the fire and vivacity of youth."

He loved to talk of the Revolution. This, says Mr. Pise, was his favorite topic:

"It was deeply riveted in his recollection, with all its details and all its dangers; often have I heard him tell, with an eye flashing with enthusiasm, of the destitute state of the country, of the want of troops, of discipline, of ammunition, of everything, when the first Congress declared the Colonies independent. The members of that Congress were all fresh in his memory. He would often describe the persons and characters of the leading personages of those days, and passages of their speeches which had then made an impression on his mind, he still remembered. 'Were I to enter the Hall, at this remote period,' I once heard him say, 'and meet my associates who signed the instrument of our independence, I would know them all, from Hancock down to Stephen Hopkins.'"

He read his beautiful editions of the classics, says Pise, up to his ninety-third year.

"I once entered his study, and found him intently absorbed in meditating the treatise of Cicero on old age. He entered on a highly entertaining and critical discussion on the subject of the philosophic writings of that extraordinary Roman. He seemed to turn with inexpressible satisfaction to some passages of the treatise he was perusing; and dwelt with a deep feeling of the wisdom of it, on the admirable sentiment, following the line cited from Ennius.

Nemo me lachrymis decoret neque funera fletu
Faxit
Non censet lugendam mortem, quam immortalitas consequatur.

'After the Bible,' he added, with his peculiar earnestness and vivacity of manner, 'and the *Following of Christ*, give me, Sir, the philosophic works of Cicero.'"[1]

It is a peculiarly appropriate circumstance that the last letter known to be extant, written by Charles Carroll of Carrollton, was penned on the occasion of the proposed celebration in Baltimore of the centennial of Washington's birthday. It fitly closes the correspondence of the aged patriot, linking the final months of his life with the patriotic past of which he had been a part.

BALTIMORE, 20th Feb., 1832.

I. J. COHEN, Esq.

SIR:

I have a pleasure in acknowledging the receipt of your Letter acting as chairman of the General Committee for the celebration of the centennial anniversary of the late

[1] Oration of Rev. Constantine Pise, D.D., Georgetown, 1832. Printed by Joshua N. Rind.

General Washington. I am sensible of the honor done me by the Committee, and would gladly accept the invitation, did my health admit of it. I have been confined to the house for many weeks, and altho' I have regained my health I should be afraid of exposure to a cold air. The event you are about to commemorate must be felt by every individual who loves his country and who can appreciate the blessings it enjoys. To General Washington mainly belongs under the protection of Providence, these blessings, and I have in unison with my fellow-countrymen offered up my prayers to that Providence which sustained us, and my gratitude to the memory of the man whose virtues so ably maintained the struggle that created us into a Nation, and by whose wisdom it was fostered, and now flourishes.

Accept my respectful thanks and consideration, to yourself and the Committee, and believe me to be

Your obedient humble servant

CH. CARROLL OF CARROLLTON.[1]

The "Young Men's National Republican Convention" met in Washington on the 11th of May, 1832, and passed resolutions outlining their position on the political questions of the hour, opposing the re-election of Jackson, and advocating Henry Clay as their candidate for President. They appointed a committee consisting of one delegate from each of the States they represented, and one from the District of Columbia, to express to Charles Carroll of Carrollton, "the last surviving Signer of the Declaration of Independence, the high sense entertained by the members of this convention, of

[1] MS. Letter, Miss M. A. Cohen, Baltimore.

the virtues of himself and associates and of their labors in the great cause of national union and independence." The committee went to Baltimore and waited upon Charles Carroll in person, being introduced to him separately by Brantz Mayer of Maryland, their chairman. Mr. Mayer delivered an address, and an eloquent letter was read from the three hundred young men composing the convention.[1] Charles Carroll must have been deeply touched by this tribute of youthful enthusiasm, the last public ovation he lived to receive. And in returning verbally his thanks to the delegation he closed the dramatic episode, where the Past and Future clasped hands, Carroll the Federalist saluting Clay the Whig. But there was another party still more significant of the future of his section and of his descendants, which was to hold a convention a little later and to put on record its appreciation of Charles Carroll of Carrollton. While the convention of South Carolina, called to pass the Ordinance of Nullification, was in session, intelligence reached them of the death of Carroll. They immediately, by a unanimous vote, passed resolutions of regret, and the members were instructed to wear the usual badge of mourning, crape on the left arm, for thirty days.[2]

On the 14th of November, 1832, came the last

[1] Niles's Register, vol. xlii., p. 236. It is interesting to note that Brantz Mayer lived to write the Memoir of Carroll for the "Centennial Memorial" of 1876.

[2] *Ibid.*, vol. xliii., p. 299. Congress put on mourning for Carroll three months, a tribute hitherto paid only to Washington.

scene in this remarkable life, when full of years and full of honors Charles Carroll of Carrollton was gathered to his fathers. Of his last illness the Rev. Mr. Pise writes:

"He met his end like a philosopher and a Christian. As long as I possess the power of memory I shall never forget the interview which I had with the dying patriot, a short time before he sank in death. He was seated on a couch, in the room in which he had been accustomed to receive his familiar friends; his daughter hung in deep grief over one side, and his granddaughter watched by the other, in tears; he was at the moment of my entering in a state of lethargy, but he soon awoke from it, and, on my being made known to him, 'You find me very low,' he whispered, 'I am going, Sir, to the tomb of my Fathers.' The earnest expression, the calm resignation, the amiable conviction, with which he uttered this sentiment, displayed his character as a philosopher, as much, perhaps, as any act or saying of his past life. And when he found that the ladies melted with grief, he endeavored to turn their attention from the approaching catastrophe by jesting about his physicians, whom he facetiously styled his Esculapiuses."[1]

One of these physicians, Dr. Richard Steuart, thus describes the death of Charles Carroll of Carrollton:

"It was toward sundown in the month of November, and very cold weather. In a large room—his bed-room—a semicircle was formed before a large, open fire-place. The venerable old man was in a large easy-chair; in the centre, before him, a table with blessed candles, an an-

[1] Oration, by C. C. Pise, Georgetown, 1832.

tique silver bowl of holy water, and a crucifix; by his side the priest, Rev. John E. Chaunce, President of St. Mary's College and afterwards Bishop of Natchez,—in his rich robes, about to offer him the last rites of the Holy Catholic Church. On each side of his chair knelt a daughter and grandchildren, with some friends, making a complete semicircle; and just in the rear, three or four old negro servants, all of the same faith, knelt in the most venerating manner. The whole assemblage made up a picture never to be forgotten. The ceremony proceeded. The old gentleman had been for a long time suffering from weak eyes, and could not endure the proximity of the lights immediately before him. His eyes were therefore kept closed, but he was so familiar with the forms of this solemn ceremony that he responded and acted as if he saw everything passing around. At the moment of offering the Host he leaned forward without opening his eyes, yet responsive to the word of the administration of the holy offering. It was done with so much intelligence and grace, that no one could doubt for a moment how fully his soul was alive to the act."

The narration of Dr. Steuart then enters into the little details illustrating his piety, his unfailing courtesy. When pressed to take food after his long fast,

"in the most gentle and intelligent manner he replied, 'Thank you, Doctor, not just now; this ceremony is so deeply interesting to the Christian that it supplies all the wants of nature. I feel no desire for food.' In a few moments more one of his granddaughters and the doctor lifted him from the chair and placed him in his bed. He said to them, 'Thank you; that is nicely done.'"

When again urged to take some nourishment, he refused, and soon after fell into a doze. While sleeping, his position seemed to become uncomfortable, and the doctor lifting him to an easier one, he looked up and, seeing who it was, said, "Thank you, doctor." These were his last words. "It was after midnight, the hour not exactly remembered, when the vital spark went out without a struggle, he breathing as calmly as if falling into a gentle sleep." [1]

Doubtless it was some time in this, his last illness, and he had been for weeks "declining from ossification of his heart and the debility of old age," that he gave utterance to the sentiments recorded by the Rev. Mr. Pise, and often quoted as the "last words" of Charles Carroll of Carrollton:

"I have lived to my ninety-sixth year; I have enjoyed continued health, I have been blessed with great wealth, prosperity, and most of the good things which the world can bestow—public approbation, esteem, applause; but what I now look back on with the greatest satisfaction to myself is, that I have practiced the duties of my religion."

[1] *Appleton's Journal*, September 19, 1874. *Magazine of American History*, February, 1878, articles by J. C. Carpenter.

APPENDIX C.

CARROLL WILLS, 1718, 1728, 1780, 1831.

APPENDIX D.

GENEALOGICAL NOTES.

APPENDIX C.

CARROLL WILLS.

WILL OF CHARLES CARROLL.

In the name of God, Amen.

I Charles Carroll of Anne Arundell County, being at the writing hereof in perfect health of Body, and of sound mind, memory and understanding, but taking into serious consideration the frailty and uncertainty of this Life, and being designed by God's divine permission to make a voyage into Europe speedily, and willing to leave my worldly affairs in the clearest and best condition which my circumstances will admitt of, in order to prevent all disputes or misunderstandings that may by any means arise betwixt my loving wife, children or Relations after my decease do make and ordain this my Last Will and testament in manner and form following, hereby revoking, annulling and making void all former Wills, testaments or other Codicills heretofore by me made, and declaring this to be my last Will and Testament.

Imprimis.

I Give and Bequeath my Soul to God who gave it, my body to the Earth, hoping that through and by the meritts, sufferings, and mediation of my only Savior and Redeemer Jesus Christ, I may be admitted into the heavenly Kingdom prepared by God for those who love,

fear and truly serve Him, and as to the worldly possessions, Estate and Goods which God of His infinite bounty far above my deserts hath been pleased to bestow upon me, I give and bequeath as followeth, vizt. : I order all my just debts to be paid, &c.

I give such poor people of this Province, as shall be thought by my Trustees, hereafter named, the fittest objects of Charity, the quantity of five thousand pounds of Tobacco, to be forthwith as the season will admit, paid out of the best and securist of my Debts and disposed pursuant to the Direction of the said trustees or the Survivors of them for the best advantage and relief of such poor whose prayers I begg for the repose of my Soul, in case there be no reddy tobacco debts due at the time of decease, the [same] to be paid them in money at a penny pr pound. I likewise give to the poor of this town the sume of tenn pounds to be distributed the day of my buriall or otherwise when my death's known.

Item.—I give unto my said trustees tenn thousand pounds of tobacco and twenty pounds sterling to be disposed to such charitable uses as I shall direct.

Item 3.—I give and devise unto my loving wife Mary Carroll all my houses-hould goods, bedding, linen, woolen, brass, pewter Iron, Chests, Chest of Drawers, tables, chairs, cheny, glass, looking glasses, and Generally all utensils of household stuff that shall be in use at my dwelling house at Annapolis at the time of my death, my plate excepted, which I hereby give to my three Sonnes, to be equally divided between them, as they respectively come to age ; and allsoe excepting my after [altar ?] plate which I give solely to my sone Henry, but my will is that my loving wife have the keeping and use of Charles and Daniells parte's of the said household plate 'till my said Sone Charles come to age, and likewise

the keeping and use of my sone Daniell's parte while she lives.

Item.—I likewise devise unto my said loving wife during her lifetime my tract of Land in Prince Georges County called Enfield Chace, containing about sixteen hundred Acres.

Item.—I likewise devise to my said wife my dwelling house at Annapolis during her life, but if my Sonne Henry shall agree to build her such a house as she shall like, and on such part of Enfield Chase as she shall direct, then he to enjoy my said dwelling house as my heir at Law. And I hereby devise and appoint that my Executors, or any of them, place thereon at convenient quarters to the good likeing of my said wife, fifteen able negroe Slaves to be at the direction of my said wife, her overseer or overseers to make Crops of Corne, tobacco graine, or doe any other labour or work whatever they shall be sett about, and the produce to be for the sole use of my said wife, her Executors and Administrators, and in case of the death or disability of any of such slaves at any time dureing my wife's life, I doe will and appoint that my Ex^ers^ put another in his or their place, and keep the number complete while my said Wife lives, and after her death that such negroes be divided amongst my Executors, and this provision I make for my wife in full compensation for her Dower of my Real Estate and *rationabile parti bonorum* of my personall estate. I further give unto my wife my Chariott and Horses with all it's furniture thereunto belonging.

Item.—I will order and appoint that untill Enfield Chase be sufficient to raise stock enough to support itself that my Executors furnish from some other of my plantations what it falls short of a reasonable subsistence for the Slaves, and that in case my wife shall think fitt to con-

tinue her habitation at Annapolis she shall have during such her continuance the use of my old Plantation and such stock as shall be thereon at the time of my death, making good the principall, as also free wooding for her house on any part of the said Land. And for a further addition towards a decent maintenance for my said Wife I give her one thousand pounds sterling to be paid by my Executors in six months after my death, and do therewith as she shall think fitt.

Item.—I also give and bequeath unto my said wife for her better support the rents of my houses and Lotts at Annapolis during her widowhood, except the Lotts herein named vizt the house and Lott I bought of Mr. Wornell Hunt, which I hereby devise unto my son Charles and the Heirs of his Body lawfully begotten, and my Market house Lott which I give to my son Daniell and the heirs of his Body lawfully begotten, my Lott bought of William Taylord which I give to my Daughter Mary and the heirs of her body lawfully begotten, and the lott whereon Edward Smithe lives which I give to my Daughter Elianor and the heirs of her body lawfully begotten.

Item.—I also give unto my said two Daughters Mary and Elianor one Moyety of my tract of Land of twenty thousand acres, intended to be laid out for me on Potomack to have and to hold five thousand acres thereof to my Daughter Mary and the heirs of her body lawfully begotten, and for want of such heirs, to her sister Elianor and the heirs of her body lawfully begotten, the other five thousand acres I devise to my daughter Elianor and the heirs of her body lawfully begotten, and for want of such, to my daughter Mary, and the heirs of her body lawfully begotten, and if both my said Daughters should die without Issue, or enter into religion, then the remainder to descend to my heir at Law.

Item.—I likewise give unto each of my said two Daughters one thousand pounds sterling to be paid respectively at their ages of sixteen years, or days of marriage ; and in the mean time the Interest of their money to goe towards their maintenance, and in the case of the death of either of them before their respective age of sixteen years, or marriage, then I devise the portion of that so deceasing to the other sister, and in case of both their deaths before the said age or marriage, then I give the said two thousand pounds to my Executors, and in case my said Daughters should not prove dutyful to their mother and my trustees hereafter named and marry according to the directions of them or ye survivor of them, then I leave them to the discretion of their said mother, and my said trustees as to their fortunes.

Item.—I give devise and bequeath unto my two Sones Charles and Daniell all my lands in Baltimore County, except those hereinafter expressed wherein I have an absolute Estate in fee simple, and which are free from conditions, limitations or Equity of redemption on payment of money, as also all the land which at any time during my life I may take up or purchase in fee simple in the said County, to have and to hold unto my said sons Charles and Daniell, viz. the one Moiety thereof unto my son Charles and his heirs forever, and the other Moiety thereof to my son Daniell and his heirs forever, to be equally divided share and share alike.

Item.—I devise unto my four kinswomen Elinor Boyd, Margerett Macnamarra, Joyce Bradford and —— Maccoy my tract of land in Baltimore County called Encles good will, to be equally divided betwixt them and their heirs forever, and to my kinswoman Johanna Crocksdell five pounds current money, and to my kinsman Major John Bradford six pounds to buy him a mourning suit. In

case any gift or legacy be made to my wife during my life, or that any divisionall part of the estate of any parent or Relation fall to her in that time, my will is that it be reckoned no part of my Estate, but do hereby give the same to my said Wife, to be disposed of as she shall think fitt.

I give unto my loving kinsmen Thomas Macnemara, James Carroll, William Fritzredmond, Charles Carroll, Dominick Carroll, Michael Taylor and Daniel Carroll the sum of six pounds each to buy them mourning.

Whereas I now have several sums of money out upon mortgages and bills of Sale for negroes, and other personall goods and probably may have others at the time of my decease, I doe therefore hereby give and devise the same to my Executors and their heirs towards payment of what just debts I shall owe at the time of my Death and for payment of my Legacys and gifts aforesaid, and all the rest, as allso all my personall estate whatsoever, whether consisting of negro slaves, horses, cattle, ready money, money in England in the hands of any of my correspondants, or of any other denomination or kind whatsoever be the same in money or tobacco debts, outstanding or reduced into possession, I give and bequeath to my said Executors equally to be divided between them share and share alike, and I doe hereby nominate, ordain, constitute and appoint my three Sons Henry, Charles and Daniell and ye survivors of them to be Executors of this my last will and testament, and I further appoint that my loving Brothers-in-law Mr. Henry Darnall, Mr. Benjamin Hall, My Kinsmen Mr. James Carroll and Daniel Carroll to be overseers and trustees thereof to see the same punctually observed and fulfilled and in case of the absence or inability of my Executors to take the Execution thereof upon themselves according to the true intent and meaning thereof, and for the use

therein mentioned, hereby Earnestly recomending to them by their good advice and instructions to recomend to my said Executors virtue, sobriety andadecent frugality, and retain [restrain?] as much as possible can be the extravagancy incident to youth.

I doe hereby revoke, annull, cancell and make void all former wills, testaments, or codicils by me made, and declare this to be my only last Will and Testament, and no other this first day of December, one thousand Seven hundred and Eighteen

CHARLES CARROLL.
[SEAL]

Signed, Sealed declared and published the day and year aforesaid, in the presence of

Luke Gardner
Jacob Henderson
D. Dulany
John Gresham
Thos. Stewart.

On the back of the aforegoing Will was thus endorsed viz.

July the twenty-eighth, seventeen hundred and twenty. The Reverend Jacob Henderson and John Gresham Esq. two of the evidences subscribing the within Will make Oath that they saw Charles Carroll Esq. the within testator seal the within instrument as his last Will and Testament, and that he published and declared the same so to be, and that at the time of his so doing he was of sound and perfect mind and memory, but that to the best of their remembrance they did not see him subscribe the same, his name being writt to the seal before they see it, but that they are well acquainted with his handwriting, he acknowledging it so to be before them before me

TH. BORDLEY COM^RY GEN^RL.

Eodem Die

Mr. Henry Darnall Mr. Jas. Carroll Mr. Daniell Carroll three ex^{tis} of the within Will mentioned make Oath that they do not know of any later Will or Testament made by the said Testator in his lifetime but believe this to be his last Will and Testament,

before me
TH. BORDLEY COM^{RY} GEN^{L}.

Likewise Madame Mary Carroll the Widow of the Deceased makes oath as above the same Day, and also declares her consent to, and acceptance of the legacies and Devises in the within will, and that she is well satisfied therewith in lieu of any other claims she might have against the Deceased estate according to Act of Assembly.

TH. BORDLEY COM^{RY} GEN^{L}.

Vide further probate to this will in Lib. C.C. No. 3, folio 293, anno 1731.

WILL OF JAMES CARROLL.

In the name of God, Amen.

I James Carroll of Tingaul in Alhallows Parish in Ann Arundel County being through the Mercy of God in perfect Health, do declare what follows to be my last Will and Testament, hereby revoking all other wills heretofore by me made. First I humbly Recomend and give my soul unto my heavenly Father through whose Mercy and the Merits of Christ Jesus I most humbly hope for eternal happiness.

Item.—I desire that all my just debts (which are few and small) be punctually paid.

Item.—I give to forty such poor mendicants of and in the parishes of English and Lorrah in lower Ormund in

the County of Tipperary in the Kingdom of Ireland as my Executors or such as they or the Major part of them shall appoint to distribute the same, shall deem proper objects of charity, the sum of ten shillings Irish money a piece.

Item.—I give to such twenty poor people in this parish of my Residence, and the Parish where my Quarters are in Prince Georges County such as my Executors shall judge to be in necessity, two Barrels of Indian Corn a piece at times at their Discretion, within four years after my decease, to be delivered if applied for at my dwelling place, or Carrollburgh, or part at one, or part at another, at the discretion of the proprietors of those places. I desire that such of my apparel as may be fit (and not indecent) for my slaves to wear, may be given to such of them as are honest, and have a sense of Christian dutys, as Tomboy, Jack, Jerey, Dick etc. And that means may be used (at the discretion of my devisee) to Instruct them all in the Christian Doctrine.

Item.—It is my Will and desire that with all Convenient Reasonable speed my Debts be received or secured after the best manner my Executors can. I empower my Executors, or the Major part of them, to sell and dispose of all my Lands in Baltimore County, my Lands in Somerset County, all my Lands in Calvert County, also all my Mortgages and Bills of Sale with Conditions for Redemption. Also my two Lots in Annapolis, lying near the head of the Creek, and which I bought of Mr. John Hammond—the neat produce or amount of my Debts aforesaid, the sale of my Lands, Lotts, Mortgages, and bills of sale aforesaid, I dispose of and in the following manner : *Imprimis*, I appoint that out of it and my money Lodged, or that shall be in the London Merchants hands (which is to be understood as part of

my outstanding debts) my debts be satisfyed, after which I desire and appoint one thousand pounds sterling of the produce aforesaid be applied towards the Education of my Nephew and heir apparent Anthony Carrol, my Brother Daniel's only son, to be laid out in the manner hereinafter mentioned, that is to say, one hundred pounds sterling to be laid down in consideration of all charges in going through his lower studys, and (at the discretion of my Executors, or the survivors of them) such summes annually afterwards as may enable him to go through his higher studys, and so on through a course of the study of Law or physick. But physick Rather, as it may afford the least temptation to change his Religion. And in Case my nephew shall dye or prove unsusceptive of Learning, or prove Incorrigible, or want application in any of the courses aforesaid before he attains to Twenty one years—then it is my Will and I do require my Executors to discontinue the application of money to his education, or if he prove vicious, to also discontinue. In which cases It is my Will that the money designed for his education be applyed to the education of my Nephew James Carroll, son of my brother Michael if he shall not exceed sixteen years of age at my Death, but if he shall, to be laid out on such one of his brothers as shall not be sixteen years at the time of my death. I do recommend to my Executors to place the one thousand pounds sterling after a secure manner at Interest so as the Interest may defray the ordinary annual stipends necessary to be expended for his education. And further it is my will that in case any friend or Guardian hinder or obstruct the Childs being educated in such place and after such manner as my Executors shall think fit, that in such case the money be not laid out on him, but be applyed as in case of his Death as above. And

lest any dispute should hereafter arise about this point between my said cosin Anthony or his guardian and my Executors, so great is my confidence in my Executors that I leave it to them to apply the said thousand pounds and its interest at their choice to my Nephew James or Anthony, It being my will that whatsoever Child or Children of my Brothers receive benefit by this will be, until they go and pass through their studys already mentioned, at the Intire direction of my Executors, or the survivors of them. It is my Will in case my Nephew Anthony aforesaid Live and do not forfeit my good Designs for him by any the means above mentioned, that after his passing through his studys aforesaid, he have the thousand pounds aforesaid, or so much as shall remain unexpended on him. I give to my Cosins Dominick, Anthony and Daniel Carrolls, sons of my brother Michael, five hundred acres of land each to them—severally and their Heirs and assigns severally forever out of a Tract of Land called pork Hall, lying at pipe creek, the remaining nine hundred and eighty I bequeath to my sister Johanna Croxell, and my cosin Mary Higgins, to them and their Heirs severally forever. Notwithstanding what is already said with Relation to my Lands in Baltimore County, I bequeath to my Cosin Michael Taylor my tract of land called Bin containing about seven hundred and odd—Acres, to him and his heirs forever. My Land called the Hop yard I bequeath to my Cousins Edward Tully and Michael Tully's two sons, that is to say one half to Edward, his heirs and assigns, the other half to the aforesaid two sons their Heirs and assigns. It is my will that the survivors of my Executors may act and do what all my Executors are empowered to act or do by my will. I bequeath to my Cosin Anthony Carroll now with me, two Negroes viz Henry and Mary, to be

delivered if alive, to him the tenth of October after my decease the better to enable him to seat his five hundred acres of land, which is to be laid out in a convenient form where he shall think fit to seat if he settles first ; I bequeath to my sister Johanna my two Negroes James and Daniel, provided she, her husband and their Family, or the survivors of them will remove to and settle on the above five hundred acres to her given, to be delivered to her, if alive, the 10th of October after my decease, provided they go and seat the land as aforesaid the same fall. And it is my Will that the Residue (after the thousand pounds as aforesaid bequeathed to my Cosin Anthony Carroll son of my Brother Daniel), of what my standing Debts, Money in England, Bills of Exchange remitted, Tobacco remitted or to be remitted or housed, Lands, Mortgages and Bills of Sales, or other securities shall amount to, I give and appoint to be disposed of as follows. That is to be laid out and expended on the education of such two of my Brother Michael's Sons as are under and nearest fifteen years of age at my death.

Having sold to George Jeams a piece of Land, another to Francis Day for which I am paid, I authorize my Executors, or any two of them to convey them to the said George and Francis according to agreement. I 've also sold two hundred acres, part of pork Hall, to George Roberts—I empower my Executors, or any two of them, on receiving the consideration money to make the Land over to him. *I bequeath to my very dear Cosen and Godson Charles Carroll the ps. or parcel of a Lot of Ground given me by him and his mother, also the Lott adjoining thereto, lying partly between the same and half a Lott bought of Benjamin Tasker Esq. and whereon my new house is, also the aforesaid half Lott bought of Mr. Tasker, all lying adjoining one to the other in the City of Annapolis, unto him*

the said Charles his heirs and assigns forever.[1] I also bequeath unto the said Charles my dwelling place consisting of two parcels of Land containing about four hundred and sixty acres. Also what remains unsold of Bright Seat and Ayno near Petuxent, above the head of South River in Ann Arundel County, also my Lands called Carrols Burgh, Chenys plantation, and about sixty acres, part of Ridgely and Tylors Chance, in all upwards of two thousand acres lying in Prince George's County, also my two Lotts in Queens Anne Town, and two parcells of Land near the said Town, one bought of Thomas Lancaster, the other of Turner Wootten, lying in the said county. I bequeath and give unto him the said Charles his Heirs and assigns forever, also all my servants and slaves, household stuff, goods, and chattles and personal estate whatsoever, or wheresoever and of what denomination soever, not before disposed of in and by this will, unto him the said Charles and his assigns forever. I desire there be one hundred pounds sterling laid down and paid for my nephew James, his education in his lower studyes, and that there be paid to bear his expenses to London in order to be sent thence to School where my Executors shall order, fifteen pounds sterling more, all which, as well as my debts, to be paid out of my money in England, outstanding debts, lands and mortgages, Bills of Sale, tobacco housed, shipped or ready to be shipped designing no Diminution whatsoever to be made of my General Devise to my Cosen Charles Carroll. I appoint my Cosen Anthony my heir at Law, and my aforesaid Cosen James, my joint Executors, and during their minority and absence, Cosen and Godson Charles Carrol, Mr. John Diggs, Mr. Francis Hall, and my Cosen Doctor Charles Carroll of Annapolis, Executors of this

[1] These italics are not in the original will.

my last will and testament in testimony whereof I have hereunto Set my hand and seal this twelfth day of February one thousand and seven hundred and twenty eight, in the presence of the Witnesses thereunto subscribed.

JAMES CARROLL.
[SEAL]

Witnesses that the same was signed and sealed and declared as his Will in presence of us.

SAMUEL CHEW of Maidstone
RICHARD HILL
WM. RICHARDSON
AND. TAILE.

On the back of the aforegoing will was thus endorst, viz.

June 27th, 1729.

Then came Doctor Richard Hill, one of the subscribing evidences to the within will, who takes his test in usual form (being one of the people called Quakers) that he saw the within named James Carroll the Testator sign and seal the within Instrument as his Last Will and testament, and at the same time heard him publish and declare the same to be, and that at the Time of his so doing he was of sound disposing mind and memory to the best of his knowledge, and he further affirms that he signed as an evidence in the presence of the Testator.

Affirmed to before me the day and year above

JOHN BEALE, DEPUTY COM^RY^,
A. A. County.

July 24th, 1728.

Then came Doctor Samuel Chew of Maidstone, one of the subscribing evidences to the within will who takes his test in usual form, (being one of the people called Quakers) that he saw the within named James Carroll the Testator sign and seal the within instrument as his last will and testament, and at the same time heard him publish and declare the same so to be, and that at the time

of his so doing he was of sound disposing mind and memory, to the best of his knowledge, and he further affirms that he signed as an evidence in the presence of the Testator, and that the other evidences to the within will signed as Evidences thereto at the same time.

Affirmed to before me the day and year last mentioned.

JOHN BEALE, DEPUTY COM^RY,
A. A. County.

Whereas I James Carroll of Allhallow's parish at South River hundred in Ann Arundel County, have by my Last Will and Testament, bearing date the twelfth Day of this Instant February Anno Doni, 1728 Bequeathed unto my cosin Charles Carrol a certain part of my estate, In trust and confidence that he would invest therewith my Good friend Mr. George Thorold of Portobacco, in Charles County, But through apprehen[sion] of the said Charles Death I do by this Codicil which I desire and require to be deemed and taken as part of my Last Will and Testament, Confirm and Give unto the said George, what I expected and do not doubt the said Charles would give pursuant to my instruction if Death or other accident did not interpose Hereby confirming my former Will in all respects except the following clause, which I do hereby rescind annull and make void as to the said Charles his heirs, executors and administrators. It is thus expressed viz—I also bequeath unto the said Charles my Dwelling Place consisting of two parcels of Land containing about Four hundred and sixty acres, also what remains unsold of Bright seat and Ayno near Patuxent, above the head of South River in Ann Arundel County, also my lands called Carrollsburgh, Cheneys Plantation, and about sixty acres part of Ridgely and Tylers Chance, in all upwards of two thousand Acres lying in Prince Georges County. Also my two Lotts lying in Queen

Anns Town, and two parcels of Land lying near the said Town, one bought of Thomas Lancaster, tother of Turner Wooten lying in the said county, also all my servants and slaves, Household stuff, goods and chattels and personal estate whatsoever or wheresoever and of what Denomination soever, all which I give and bequeathed to the said Charles, his heirs and assigns forever. But now by this codicil do hereby give, devise and bequeath the aforesaid Lands goods and chattels in as full and ample manner unto the aforesaid George Thorold, his heirs and assigns forever, as the same are bequeathed to my Af^{sd} Cosin, and do hereby give and bequeath the aforementioned Lands and the goods and chattles aforesaid unto the said George Thorold, his heirs and assigns forever. And in case of his Death before me then I bequeath the aforesaid Lands, and Goods, Chattles unto my very good friend Mr. Peter Attwood of Portobacco aforesaid, his heirs and assigns forever. And in case of both their Deaths before mine, then I bequeath the aforesaid Lands & Goods & chattles unto Mr. Joseph Greaton his heirs and assigns forever.

In witness whereof I have hereunto set my hand and seal this seventeenth day of February one thousand, seven hundred and twenty-eight.

JAMES CARROLL.
[SEAL]

Signed, sealed published and declared as a Codicil to his last will in the presence of us

JOHN WALCH ANTH. CARROLL
his
JOHN B. GALLOKER
mark.

On the back of the aforegoing Codicil was thus endorsed

June 27, 1729.

Then came John Welsh and John Galloker, two of the subscribing evidences to the within Instrument, who makes Oath upon the Holy Evangelist of Almighty God that they see the within named James Carroll, the Testator sign and seal the within Instrument as a Codocil or part of his last Will and Testament, and at the same time heard him publish and Declare the same so to be, and that at the time of his so doing he was of sound disposing mind and memory to the best of their knowledge, and that they signed as evidences to the within Instrument in the presence of the Testator.

Sworn to before me the day and year above

JOHN BEALE, DEP^TY. COM^RY.,
A. A. COUNTY.

July 15, 1729.

Then came John Galloker and also made Oath on the Holy Evangely of Almighty God, that Anthony Carroll, one of the evidences to the within instrument or codicil, signed as an evidence thereto at the same time with the said John Galloker, in the presence of the Testator.

Sworn to before me, the day and year last mentioned.

JOHN BEALE, DEPUTY COM^RY.,
A. A. COUNTY.

July, ye 21st, 1729.

Then came John Walch and also made oath on the Holy Evangelists of Almighty God, that Anthony Carroll, one of the Evidences to the within Instrument or Codicil signed as an evidence thereto at the same time with the said John Walch in the presence of the Testator.

Sworn to before me the day and year last mentioned

JOHN BEALE, DEPUTY COM^RY.,
A. A. COUNTY.

LAST WILL AND TESTAMENT OF CHARLES CARROLL OF ANNAPOLIS.

1780–1782.

In the name of God, Amen.

I, Charles Carroll of Anne Arundel County, at the writing hereof in perfect health of body and of sound memory and understanding, for which I thank God, Do make and ordain this my last will and testament in the manner following.

Imprimis, I order all my just debts to be paid, which are but few and small. 2nd. I order my body to be buried as privately as possible consistently with decency. 3rd. Whereas my nephew Charles Carroll and his sisters Eleanor and Mary are entitled to a moiety of severall lands, as may appear by my father's will, I do hereby empower my executor hereinafter named, to sell all the said lands which I have not already sold and accounted for, and to pay one moiety of the proceeds to the representatives of my said nephew Charles Carroll and his sister Eleanor, and to his sister Mary, my niece.

4th. Whereas my cousin Rachell Darnall always behaved very dutifully to my late wife, her aunt, and in her last sickness was very tender of her and tended her with the greatest care and affection and has by a long residence with me merited my esteem and affection, I bequeath to my said Cousin Rachall Darnall thirty pounds sterling to be paid her in three months after my death. I also bequeath to my said Cousin Rachell Darnall thirty pounds sterling a year during her life, the first yearly payment to be made in twelve months after my death.

Item, all other my estate both real and personal of what kind or nature soever not herein before bequeathed,

with all my lands, houses, etc., now in my possession or which I shall purchase before my death, I give and bequeath unto my son Charles Carroll by my late wife Elizabeth Brooke, the daughter of Clement Brooke, Esq :, to him I say I bequeath them and to his heirs forever in fee simple.

7th, I constitute and appoint my son Charles Carroll my whole and sole executor of this my last will and testament.

8th Item, I do hereby nominate, constitute, and appoint my said son Charles Carroll my whole and sole executor to prove this my will in the Commissary's office by the subscribing witnesses thereto for passing my lands and real estate as herein before mentioned and to entitle himself to Letters Testamentary thereon to enable himself to recover what may be due to me and that he then also give good and undoubted security for his performance of this will, and payment of all my debts, for which purpose I desire he will have undersign an admission of assetts but by no means to lodge any inventory or list of debts or to pass any account of my estate in any publick office.

9th, Lastly I declare this to be my last will and testament and I hereby revoke all wills by me heretofore made. In witness whereof I have hereunto set my hand and seal this nineteenth day of June Anno Domini, one thousand, seven hundred and eighty. CHA : CARROLL.

[SEAL]

Signed, sealed, published, and declared by Charles the Testator to be his last Will and testament in the presence of us the subscribers,

EDWD. GAITHER, Jr.,
REUBEN MEREWEATHER,
THOMAS DORSEY,
RIDGELY WARFIELD.

At the foot of the foregoing Will were the following endorsements to wit :

Anne Arundel County Sct., the 5th day of June, 1782, Then came Edw[d] Gaither J[r], Thomas Dorsey and Ridgely Warfield three of the subscribing witnesses to the within last will and testament of Charles Carroll late of Anne Arundel County deceased, and severally made oath on the Holy Evangely of Almighty God, that they did see the Testator therein named sign and seal this will, and that they heard him publish, pronounce and declare the same to be his last will and testament, that at the time of his so doing he was to the best of their apprehension, of sound and disposing mind, memory and understanding ; and that they respectively subscribed their names as witnesses to this will, in the presence and at the request of the Testator, and in the presence of each other, and that they also saw Reuben Meriweather subscribe his name as a witness to this will in the presence of the Testator and at his request.

Certified by THOS. GASSAWAY,
Reg. Wills, Anne A. County.

Anne Arundel County Sct. June 5th, 1782, Came Charles Carroll of Carrollton the executor appointed in the within will and made oath on the Holy Evangely of Almighty God that the within instrument of writing is the true and whole will and testament of Charles Carroll late of Anne Arundel County deceased, that hath come to his hands or possession ; and that he doth not know of any other made since.

Certified by THOS. GASSAWAY,
Reg. Wills, Anne A. Co[ty].

Maryland, Anne Arundel County, Sct :

I hereby certify, that the within and foregoing Will of Charles Carroll is truly copied from Liber T. G. No. 1,

folio 106, out of the Will Record Books in the office of the Register of Wills for Anne Arundel County aforesaid. In testimony whereof, I hereunto subscribe my name and affix the Seal of the Orphans' Court for Anne Arundel County, this 18th day of October, A. D., 1883.

Test :

JOHN W. BRASHEASS,
Register Wills, A. A. County.

WILL OF CHARLES CARROLL OF CARROLLTON.

State of Maryland :

I, Charles Carroll of Carrollton, of Anne Arundel County, in the said State, do make this my last will and testament, in manner following, hereby revoking all former wills and codicils by me made, that is to say :—

To my Grandson Charles Carroll and his Heirs, I devise all my Island in Chesapeake Bay, called Poplar Island also all my Lots and Houses in the City of Annapolis,(except the Houses and Lots hereinafter devised to my daughter Mary Caton), also all my Estate, Plantation, or tract of Land in the vicinity of Annapolis, called " the Farm," with the two adjoining Tracts of Land called Edges advance, and Edges addition, and all my tract of Land in Anne Arundel County, on the road from Annapolis to Elk Ridge, called " part of Trusty Friend," or the Half-way House ; I also devise to him for his life without impeachment of waste, my Manor in Anne Arundel County, called Doughoragen Manor, or Doughoragen Manor enlarged,with all my Lands adjoining thereto ; and after his death to his eldest Son, lawfully begotten whom he may leave alive, or in *ventre sa mere* at the time of his death, and to the Heirs of such eldest Son for ever ; and

in case my said Grandson should die without leaving any son then alive, or of whom his wife may be then pregnant, I then devise all my said Manor and adjoining Lands to his eldest legitimate male descendant in the eldest male line who may then be alive or in *ventre sa mere*, and to the Heirs of such eldest male descendant for ever; and in default of such legitimate male descendant of my said Grandson in the male line, I then devise all my said Manor, and adjoining Lands to my daughters Mary Caton and Catharine Harper, and their Heirs as tenants in common and to the children, grand children, and descendants of my deceased Son Charles Carroll, and their Heirs as tennants in common in such manner as that each of my said daughters shall have each an equal third part, and the children of my said Son then alive, and the children or descendants of such of them as may then be dead shall have one equal third part among them, which last mentioned third shall be so divided that each child of my said Son then living shall have one equal part thereof in fee simple, and the children and other descendants of each child then dead one equal part equally among them in fee simple *per stirpes*, the children of each dead child or descendant standing in the place of their Parent, and taking the part which said parent if alive would have had, equally to be divided among them. And if at the death of my said Grandson, my said daughters or either of them should be dead, it is my will and I hereby devise and direct, that their children and descendants then alive shall stand in their places respectively as to my said Manor and adjoining Lands, and shall take to them and their Heirs as tenants in common, the parts respectively which my said daughters if alive would have respectively taken, the third part of each of my daughters in such case, being divided among her children then alive, and

the descendants of such of them as may be then dead in such manner as that each child then alive shall take in fee simple one equal part of the said third, and the children and other descendants of each child then dead one equal part in fee simple equally among them *per stirpes*, the children of each deceased child or descendant standing in the place of their parent and taking equally among them the part which that parent if alive would have had. I give to my Grandson Charles Carroll all the Slaves and other personal property which at the time of my death shall be on the Farm called the Folly (which is part of my Manor) that is to say, personal property which at the time of my death shall be commonly employed or used on or belonging to the said Farm, commonly called the Folly. All the rest of the Slaves, Horses, Cattle, Hogs, Sheep, and farming utensils which at the time of my death shall be on, and belong to my aforesaid Manor called Doughoragen Manor, or Doughoragen Manor enlarged, I direct to be divided into three equal parts, one of which parts I give to my Grandson Charles Carroll, his Executors, Administrators and Assigns. Another third part to my three Grandchildren, Charles Carroll Harper, Robert Goodloe Harper, and Emily Harper ; equally to be divided between them share and share alike. And the remaining third part of the aforesaid Negroes, Horses, Cattle, Hogs, Sheep and Farming Utensils I give to my four Granddaughters Mary Ann Patterson, Elizabeth Caton, Louisa Catherine Harvy, and Emily MacTavish, equally to be divided between them, and if either of my said last mentioned four Granddaughters should die in my life-time, without leaving issue living at my death, the share which would have belonged to her in case she had survived me shall go to her surviving sisters, and the descendants of such of them

as may have died before me leaving issue equally to be divided between them, the issue of such deceased Granddaughter to stand in the place, and be entitled to the share that would have belonged to such deceased Granddaughter in case she had survived me. All the rest of the personal property of every kind that may be on my said Manor at the time of my decease, I give to my Grandson Charles Carroll, his Executors, Administrators and Assigns. All my Wines in every other place except the said Manor I give to my two Daughters and my said Grandson, to be equally divided among them in such manner as that each shall have one third of each kind and quality.

Whereas I hold sundry Lots in the City of Baltimore leased out on ground rent, by leases renewable forever, and other Lots with Houses on them which are rented from year to year, and some vacant Lots yielding no rent, I do hereby devise to my friends John MacTavish of the City of Baltimore and Lewis Neth of the City of Annapolis, and Richard S. Steuart of the City of Baltimore aforesaid, and to the survivor of them and to the Heirs of such survivor, all my Lots and Houses and Rents in the City of Baltimore, except my Lots and Houses fronting on Gay street and Frederick street, or either of them, between Second and Water Street. I also give and bequeath to the said John MacTavish, Lewis Neth, and Richard S. Steuart and the survivor of them and the Executors and Administrators of such survivor, the following Slaves, that is to say, Luke, William, Richard, Dennis Carpenter, William, Robert, James, Old Henny and her Grandchildren, Polly and her daughter, Sarah, and Katy and her children, Peggy and her children, and Nellie and her children, which said Slaves now reside and are employed at the house of Richard Caton in the City of

Baltimore, or at the farm called Brookland Wood, near the City of Baltimore, also all the children and descendants of the above mentioned female Slaves, which may be born after the date of this my last will and testament, and during my life. I further give and bequeath to the said John MacTavish, Lewis Neth, and Richard S. Steuart, and the survivor of them, and the Executors and Administrators of such survivor, all the Plate, Household and Kitchen furniture which shall at the time of my decease be at the dwelling house of the said Richard Caton in the City of Baltimore, or at the said Farm called Brookland Wood and be commonly used and employed, or kept in or about the said two dwellings, or either of them. To have and to hold the said Lots, Houses, Rents, Slaves, Plate and Furniture and Property to the said John MacTavish, Lewis Neth, and Richard S. Steuart, and the survivor of them, and the Heirs, Executors and Administrators of such survivors, for and during the lives of Richard Caton, and my daughter Mary Caton his wife and the life of the survivor of them upon the following trusts, that is to say, in trust for my daughter Mary Caton during her natural life, for her sole and separate use free from the controul or power of her present or any future husband, and to permit her or any person she may authorize to receive and take during her life the rents, profits and issues thereof, for her sole and separate use, and to make and execute during her life all such Sales, Conveyances, Leases, Transfers, and Assignments thereof, or any part thereof, as she by writing under her hand shall from time to time direct; and the proceeds of all such Sales, Conveyances, Leases, Transfers, and Assignments from time to time to invest in such purchases of Stock, Funds, Rents or Property of any kind as she by writing under her hand may from

time to time direct, to be held by them in their names in trust for her sole and separate use as aforesaid during her life, and in case her said husband Richard Caton should survive her, then in trust as to all the said Lots, Houses, Rents, Slaves, Plate, Furniture and also property of any kind that may have arisen from the Sale, Conveyance, Lease, Transfer, Assignment and reinvestment aforesaid, to hold the same for the use and benefit of the said Richard Caton during his life, and to permit him to take and receive during his life the rents and profits and issues thereof for his own use, and to make such Sales, Transfers, Assignments, Conveyances and Leases thereof, and of any part or parts thereof as he may direct by writing under his hand from time to time, and the proceeds of all such Sales, Conveyances, Leases, Transfers and Assignments, to invest in their own names in such Stocks or other productive funds as he may from time to time direct; the same to be held in trust for him in the same manner, and with the like benefit and advantages and powers, as are above mentioned, and from and after the death of the said Richard Caton and Mary Caton, I give, devise and bequeath all the said Lots, Houses, Rents, Slaves, Plate and Furniture, and also all property of every kind accruing from the Sale, Transfer, Conveyance, Lease, Assignment and reinvestments aforesaid, unto my Granddaughters Mary Ann Patterson, Elizabeth Caton, Louisa Catharine Hervey, and Emily MacTavish, their Heirs, Executors, and Administrators as tenants in common, equally to be divided between them. I devise to my friends John MacTavish and Richard S. Steuart, of the City of Baltimore, and Lewis Neth, of the City of Annapolis, and the survivors and survivor of them, and to the Heirs of such survivor, Fifteen thousand eight hundred and ninety-seven Acres

of Land in the State of Pennsylvania, being an undivided part of twenty-seven thousand six hundred and ninety-one acres held by me in different parts of that State. Also all my late dwelling house in the City of Annapolis, and the Outhouses, Garden, and Lots adjoining and belonging to the said dwelling house, including the Lot between the said dwelling house and the house formerly occupied and owned by the late Doctor U. Scott, also the Carriage House on the opposite side of the street, that passes in front of my said dwelling house ; the said John MacTavish, Richard S. Steuart and Lewis Neth, and the survivors and survivor of them, to hold the said Lands, Lots and Houses, in trust for my daughter Mary Caton her Heirs and Assigns, for her sole and separate use free from the controul and power of her present or any future husband, with power to my said daughter Mary Caton, to sell, give, convey, or otherwise dispose of the said Lands, Lots and Houses, or any of them, or any part thereof, by deed or last will and testament, or in any other mode in which she may think proper in the same manner as if she were a feme sole. I devise to my daughter Catharine Harper, and her Heirs and Assigns forever, Five thousand, eight hundred and ninety-seven acres of Land in the State of Pennsylvania, being one undivided part of the aforesaid Twenty-seven thousand six hundred and ninety-one acres held by me in different parts of the State of Pennsylvania aforesaid ; also all my Houses and Lots in the City of Baltimore which front on Gay street and Frederick street, or either of them, between Second and Water streets, to her the said Catharine Harper, her Heirs and Assigns for ever. The remaining part of the aforesaid Twenty-seven thousand six hundred and ninety-one acres of Land held by me in different parts of the State of Pennsylvania, I devise to my Granddaughters

Elizabeth Chew Tucker, Mary Sophia Bayard, Hariet Carroll, and Louisa Catharine Carroll, and their Heirs as tenants in common to be equally divided among them. I devise to my Grandchildren Charles Carroll Harper, Robert Goodloe Harper, and Emily Harper and their Heirs forever as tenants in common all my Lands in Tioga and Steuben Counties in the State of New York commonly called Moreland Manor, as well as that part which I purchased from a certain Robert C. Johnson, as those parts which were purchased by my late Son-in-law Robert Goodloe Harper from the said Robert C. Johnson and a certain Isaac Bronson, and conveyed to me by the said Robert G. Harper by way of mortgage.

I give to my Grandson, Charles Carroll Harper, his Heirs and Assigns for ever my Plantation in Baltimore County, called Oakland, conveyed to me by my late Son-in-law, Robert Goodloe Harper.

I devise and bequeath to the Right Revend Ambrose Arch Bishop of Baltimore and his Heirs, the Chapel on my Manor of Doughoragen near to the dwelling house, with all the Utensils, Vessels, Furniture, Books, and Vestments used in the said Chapel for the purposes of public worship, and for the accommodation of the officiating Priest, and the Land on which the said Chapel stands; and also one square Acre of Ground near to the said Chapel including the Burying Ground now used for burying the dead of the Congregation worshipping in the said Chapel; and also a right of way to and from the said Chapel and Burying Ground for ever; for the purposes of attending the duties of religion, burying the dead, making repairs and other necessary purposes. And also the sum of Five thousand dollars now due to me from the Reverend John Tessier, being the part that remains due of the sum of Fifteen thousand dollars orig-

inally lent by me to the Reverend William Dubourg, and all my Right, Title, Interest and Estate of, in, and to, a certain piece or parcel of ground within the present limits of the City of Baltimore, heretofore mortgaged to me to secure the payment of the said sum of Fifteen thousand dollars, and also all arrears of interest on the said sum of Five thousand dollars that may be due or growing due to me at the time of my decease, and I direct, and my will is, that in the general division of the residuum of my personal Estate directed by this my will to be made into three parts, this sum of five thousand dollars shall be charged to the family of my Son lately deceased, and taken as a part of the third allotted to that Branch of my family ; and that in the division of that third between my Grandson and his sisters, or their representatives, the said sum of Five thousand dollars shall be charged to my Grandson solely, and considered as part of his portion of that third. I make this disposition because I believe that the large Estate allotted by this will to my Grandson, will greatly benefit by the use and application which will be made of this sum of money, while the other branches of my family will not be in the way of participating in this benefit.

I hereby release and discharge my Granddaughter Mary Ann Patterson from the payment of her two notes to me and also from all rent due from her to me at the date of this my last will and testament, provided the said notes and rent shall remain unpaid at my death, and provided also, that nothing herein contained shall be construed to release any rent which may become or fall due after the date of this my last will and testament.

I give and bequeath to my friend John MacTavish, the sum of Twenty thousand dollars.

All the rest and residue of my Estate, real, personal,

and mixt, I direct to be divided by my Executors into three parts as equal as may be in value with regard to present productiveness as well as to future ; and out of one of those thirds I direct them to raise by such means as they may judge most advantageous and beneficial for those to be ultimately interested in this third, the following annuity ; for which purpose I give them all the necessary powers, including the power to convey real estate in fee simple when required, for accomplishing the object ; to transfer Stocks, and to sell personal estate, that is to say, an annuity of Three thousand dollars for my daughter-in-law Harriet Carroll during her life, to be paid to her quarterly or half yearly and in full and entire discharge and satisfaction of the sum of Three thousand dollars annually secured to her by her marriage settlement, and charged thereby on my Manor of Carrollton and the adjoining Lands, which are to be fully discharged and exonerated therefrom by this payment ; and if my said daughter-in-law should decline receiving this annuity in discharge and satisfaction of her marriage settlement, I then authorize and direct my Executors to retain the annuity, or the fund out of which it is to arise in their own hands during her life, and to pay the said sum to her annually in discharge of her claim under that Settlement. And I request my said daughter-in-law to accept this annuity in lieu of the said provision by her marriage Settlement, and in consideration thereof, to release my said Manor of Carrollton by a sufficient deed from all claim on account of the annuity provided for her as aforesaid by her marriage Settlement, so as to leave my said Manor free and unincumbered to those to whom I have already conveyed it after the termination of the life estate reserved to myself ; because the Sale of it should they be inclined to sell it, might be injured by

its remaining in any degree subject to this encumbrance ; and as an equal sum is secured to her by this my will, she can lose nothing by the Release. And it is my will that after the said annuity shall be raised and secured out of the said Third, and after my said daughter-in-law shall have by a good and sufficient Deed consented to accept and receive the Annuity of Three thousand dollars for her life, hereby provided for her in lieu and discharge of the Annuity of Three thousand dollars provided for her by her marriage Settlement aforesaid, and shall by such good and sufficient deed have released my said Manor of Carrollton and other Lands in Frederick County from all claim under, or by virtue of the said marriage Settlement, and not before, all that remains of it shall be divided equally by my Executors between my Grandson Charles Carroll, and four Granddaughters, his Sisters, or such of the whole five as shall be alive at the time of my decease, and the children of such as may be then dead ; giving to each, one equal part, and to the children of any of them that may be then dead equally among them, the part which their parents respectively would have taken if alive, and that in case of any part of the said Third being retained as a fund for producing the said annuity in whole or in part, such fund shall be divided and disposed of in the same manner when the said annuity shall cease. And if it should so happen that at the time of my decease all my said five Grandchildren should be dead without leaving any children or descendants I then will that all the aforesaid residue of the said third shall go to my daughters, Mary Caton and Catharine Harper share and share alike, and if either or both of them should be then dead, their parts respectively shall go to their children, to be equally divided among them, in such manner that the children of each

shall take equally among them, the part that their mother if alive would have taken. And as to the remaining two thirds of all the general residue of my estate directed above to be divided into three equal parts, I devise and bequeath one of those thirds to my friends John MacTavish and Richard S. Steuart of the City of Baltimore, and Lewis Neth of the City of Annapolis, and the survivors and survivor of them and to the Heirs, Executors, and Administrators of such survivor during the life time of my daughter Mary Caton, in trust for my said daughter Mary Caton, during her life, for her sole and separate use, free from the controul or power of her present or any future husband ; and to permit her, or any person whom she may authorize to receive and take during her life, the rents, profits, interest, income and dividends thereof for her sole and separate use ; and to make and execute from time to time during her life all such Sales, Conveyances, Leases, Transfers, and Assignments thereof or of any part thereof, as she by writing under her hand shall from time to time direct ; and the proceeds of all such Sales, Conveyances, Leases, Transfers, and Assignments from time to time to invest in such purchases of Stock, Funds, Rents, or property of any kind, as she may by writing under her hand direct from time to time to be held by them in their names in trust for her sole and separate use as aforesaid during her life. And upon the death of the said Mary Caton, I give, devise, and bequeath the said one third of the general Residuum aforesaid unto my Granddaughters, Mary Ann Patterson, Elizabeth Caton, Louisa Catherine Hervey, and Emily MacTavish, their Heirs, Executors and Administrators forever as tenants in common, and if any one or more of my said Granddaughters shall die in my lifetime without issue, the share that would have belonged to such Granddaughter in case

she had survived me, shall go and belong to the surviving sisters of such deceased Granddaughter and the issue of such of them as shall have died leaving issue, such issue to stand in the place, and have the share that would have belonged to his, her, or their mother if she had then been living. And as to all the remaining third part of the general Residuum aforesaid, I give, devise and bequeath the said one third of the general residuum aforesaid to my Grandchildren, Charles Carroll Harper, Emily Harper, and Robert Goodloe Harper, their Heirs, Executors and Administrators as tenants in common. But if my daughter Catharine Harper shall within six months after my death, convey to my last mentioned Grandchildren or their descendants in fee simple, all those parts of the Manor of Carrollton heretofore conveyed by me to the said Catharine Harper (the said Land to be conveyed to the said children or descendants of such of them as may be dead, in such proportions, as at the time of the making of the said deed, they shall be respectively entitled in the said last mentioned one third of the general Residuum aforesaid) then, as soon, as the said conveyance shall be duly made by the said Catharine Harper, and the Title to the said Lands become legally and fully vested in my said Grandchildren or their descendants in manner aforesaid, I then and in that event give to my daughter, her Heirs, Executors and Administrators the said last mentioned one third of the general Residuum aforesaid.

And whereas I have heretofore given to my Son and daughters from time to time, and paid and advanced for them respectively, sundry sums of money for their Settlement, Establishment, and Advancement in life, and may hereafter make further advances for them respectively for the same purpose, all which sums so advanced are to

be charged to them respectively, and whereas for the better explaining of my will and intention in this respect, I have raised accounts with my Grandson, Charles Carroll as the Administrator of his father, and with my daughters respectively in a Book marked F. A. in which I have charged and intend hereafter to charge each of them respectively in their General Accounts with all such sums as are to be considered as given towards the Establishment, Settlement, and Advancement in life of the three Branches of my Family, and are consequently to be carried to their debit ; Now my will is, and I do hereby bequeath, direct and devise that all sums charged in my said Book marked F. A. against my Grandson Charles Carroll as the Administrator of his father shall stand and be debited in the division of the general Residuum of my estate as a part of the one third of the said residuum devised to my said Grandson and his four sisters, and shall be allotted and accounted for as a part of their said one third. And all sums charged against my daughter Mary Caton shall stand and be debited in the said division of the general residuum as a part of the one third of the said residuum devised in trust for my said daughter Mary Caton for life with remainder to her four daughters and shall be allotted and accounted for as a part of the said one third, and all sums charged against my daughter Catharine Harper shall stand and be debited in the said division of the general residuum as a part of the one third of the said residuum devised to her three children, and shall be allotted and accounted for as a part of the said one third, but neither of them shall be debited or charged in the said division with any interest on the said sums so advanced, or to be advanced to them, or on any of them, nor with any sums heretofore allowed and paid to them respectively by way of annuity or annual stipend for their

support and maintenance or personal expences, or with any sums hereafter to be so allowed and paid to them respectively for the same purposes.

And it is my will, and I do hereby further devise, bequeath and direct that in any case my said daughters or Grandchildren, or either of them should die in my lifetime, none of the provisions hereby made for such of them as may so die shall be considered as lapsed or void Devises or Legacies, but that the estates and Interests of every kind hereby limited to take effect at their deaths respectively, in case of their surviving me shall take effect respectively at the time of my decease in case of any of them dying before me, in the same manner in all respects as if they had respectively survived me and then died, and when no Estates or Interests are hereby limited to take effect on the death of either of my Daughters, or Grandchildren it is my will, and I do hereby further devise, bequeath and direct that in case of the death of either or both of my daughters or any of my Grandchildren, in my lifetime, the property interest and estates of every kind hereby devised or bequeathed by way of Trust or otherwise to each of them respectively so dying, shall at my decease go to and be vested in the same persons, and for the same interests and Estates therein respectively, and subject to the same conditions, powers and provisions in all respects, who would have taken such property, interest and estates, either by operation of Law or by virtue of this my last will in case the daughter or Grandchild so dying, had survived me and then died ; and I hereby devise and bequeath the said Property Interest and Estates accordingly to such persons, for such Interests and Estates therein and subject to such conditions, powers and provisions as are aforesaid respectively, excepting however, out of this clause of my will, those

cases where there is an express limitation over, in case of the death of a Devizee or Legatee in my Lifetime, provided such express limitation shall be to a different person or persons from those designated in this clause of my Will.

It is my will, and I direct that no Inventory shall be made or returned of my personal Estate, but, that my Executors sign and file in the Orphans Court of the proper County an Admission of Assets to pay all just demands against me ; and confidently relying on the friendly and affectionate disposition of my children and Executors towards each other, I do earnestly recommend that if any difference of opinion should arise among them touching this my will, or in the execution or construction thereof they will agree to refer it to the decision of some common friend or friends, in preference to any legal Controversy.

And as it is not my intention or expectation that the Trustees appointed by my will, or the survivor of them, or the Heirs, Executors, or Administrators of such survivor, shall have any labor or trouble, or incur any risk or expense in the performance of the Trusts created by my said Will, but that the various Devizees and legatees shall and will take upon themselves all the business, labour, trouble and expense of the affairs of my Estate ; merely acting in the name, and with the permission and sanction of the said Trustees when necessary ; I do therefore for avoiding and preventing any doubt that might hereafter arise on the subject of Commission or Compensation to my said Trustees, or either of them, or either of their Heirs, Executors or Administrators, Declare and Direct that no Commission or Compensation whatever shall be allowed or paid to my said Trustees or either of them, or to the Heirs, Executors or Adminis-

trators of the survivor of them for or on account of any matter or thing to be done, directed or assented to by them, or either, or any of them, in or about the affairs of my Estate, or the Execution of the said Trusts, or either or any of them, except the necessary expenses which they or any of them may from time to time incur in and about the said Trusts, or any of them ; which expenses I direct to be paid, or borne by the persons respectively, for whom or for whose benefit the acts giving rise to such Expenses shall respectively be done.

Having already divided my Manor and Lands in Frederick County among the different Branches of my family, reserving to myself a Life Estate therein, and having caused the said Lands (including my Manor of Carrollton, and all the Lands which I hold adjoining it, or in its vicinity) to be divided into twelve parts or Lots, equal in quantity and value, by Peter Mantz, John H. Simmons and Ignatius Davis, who by my direction have made a plot of the said Lands and division, with an accompanying Table of Courses, all which I have approved, and attested my approbation by signing the said Table on the Eighth day of February One thousand, eight hundred and twenty one, and having in further pursuance of my plan in this respect, divided the parts by Lot among the different Branches of my family, and executed Conveyances to each of them for their several parts, reserving to myself a Life Estate in the whole,—One of which Conveyances is to my daughter Catharine Harper and her Heirs by way of Covenant to stand seized, bearing date on the seventh day of February One Thousand Eight Hundred and Twenty one, of and for Lots Numbers Six, Eight, Eleven and Twelve, and the small or two acre Lots, Numbers Six, Eight, Eleven and Twelve by metes and bounds, being one equal third part in

quantity and value of the said Manor and Lands; One other of which Conveyances is to Robert Patterson and Mary Ann Patterson and the Survivor of them, and the Heirs of such Survivor by way of Lease and Release bearing date respectively on the sixth and seventh days of February One Thousand, Eight hundred and twenty one, and for Six hundred Acres of Land, part of the said Manor by metes and bounds, and of and for Lot Number Nine, and the small or two acre Lot number nine, also by metes and bounds being together one equal Twelfth part of the whole of the said Manor and Lands in quantity and value; One other of which Conveyances is to my Granddaughter Elizabeth Caton and her Heirs by way of Covenant to stand seized bearing date on the Seventh day of February One Thousand, Eight hundred and twenty one, of and for Lot Number One, and the small or two acre Lot Number One by metes and bounds, being one equal Twelfth part of the said Manor and Lands in quantity and value;—One other of which Conveyances is to my Granddaughter, Louisa Catharine Hervey, commonly called Lady Hervey, and her Heirs by way of covenant to stand seized, bearing date on the Seventh day of February One thousand, Eight hundred and twenty one, of and for Lot number Two and the small or two acre Lot number Two by metes and bounds, being one equal Twelfth part of the said Manor and Lands in quantity and value:—One other of which Conveyances is to my Granddaughter Emily MacTavish and her Heirs by way of Covenant to stand seized, bearing date on the Seventh day of February, One thousand, Eight hundred and twenty one, of and for Lot number Five, and the small or two acre Lot number Five by metes and bounds, being one equal Twelfth part of the said Manor and Lands in quan-

tity and value ; which four twelfth parts last mentioned are the portion of the said Manor and Lands formerly destined for my daughter Mary Caton, and by consent of her and her husband thus conveyed to her said four Daughters in her stead ; One other of which Conveyances is to my Granddaughter Mary Sophia Bayard and her Heirs by way of Covenant to stand seized, bearing date on the Seventh day of February One thousand, eight hundred and twenty one, of and for Lot number Ten and the small or two acre Lot number Ten by metes and bounds, being one equal twelfth part in quantity and value of the said Manor and Lands ; One other of which Conveyances is to John Eager Howard the younger, and Doctor William Howard both of Baltimore, and the Survivor of them, and the Heirs of such Survivor in Trust for my Granddaughter Elizabeth Chew Carroll now Elizabeth Chew Tucker and her Heirs, subject to certain charges, of and for Lot number Three and the small or two acre Lot number Three by metes and bounds, being one equal Twelfth part in quantity and value of all the said Manor and Lands by deeds of Lease and Release bearing date respectively on the sixth and seventh days of February one thousand eight hundred and twenty one ; One other of which Conveyances is to the said John Eager Howard the younger, and Doctor William Howard and the Survivor of them, and the Heirs of such Survivor in trust for my Granddaughter, Harriet Carroll and her Heirs, subject to certain charges of and for Lot number Four and the small or two acre Lot number Four by metes and bounds being one equal twelfth part in quantity and value of all the said Manor and Lands by deeds of Lease and Release bearing date respectively on the sixth and seventh days of February one thousand, eight hundred and twenty one ; One other

of which Conveyances is to the said John Eager Howard the younger, and Doctor William Howard, and the Survivor of them and the Heirs of such Survivor, in Trust for my Granddaughter Louisa Catharine Carroll and her Heirs subject to certain charges of and for Lot number Seven, and the small or two acre Lot number Seven, by metes and bounds being one equal Twelfth part in quantity and value of all the said Manor and Lands by deeds of Lease and Release, bearing dates respectively on the sixth and seventh days of February one thousand, eight hundred and twenty one ; and, as doubts may exist concerning the validity and operation of the said Conveyances or some of them by reason of outstanding Estates in Trustees in one undivided third heretofore conveyed to my daughter Mary Caton and her Heirs and of various contingent interests and limitations over of parts of the said undivided third created by conveyances made of parts of the said third by my said daughter and her husband to some of their daughters ; all difficulty to arise from which doubts, I am desirous of preventing by devising to the same persons and their Heirs, any interest in their respective parts that may remain in me at the time of my decease ; I do therefore devise in manner following ; that is to say, To my Daughter Catharine Harper and her Heirs all the aforesaid Lots, Numbers Six, Eight, Eleven and Twelve, and the small or two acre Lots Numbers Six, Eight, Eleven and Twelve, which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her of the seventh day of February, One thousand, Eight Hundred and Twenty one ; and to the said Mary Ann Patterson, the survivor of the said Robert Patterson and her Heirs, all the aforesaid Six hundred acres of Land and Lots Numbers Nine which are conveyed to the said Mary

Ann and Robert as aforesaid, according to the several metes and bounds thereof, expressed in the said deeds of Lease and Release to them of the sixth and seventh days of February, One thousand, eight hundred and twenty one ; to my said Granddaughter Elizabeth Caton and her Heirs, all the aforesaid Lot Number One, and the small or two acre Lot Number one, which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her bearing date on the seventh day of February, One thousand eight hundred and twenty one ; to my said Granddaughter Louisa Catharine Hervey and her Heirs, all the aforesaid Lot Number two, and the small or two acre Lot Number Two, which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her, bearing date on the seventh day of February, One thousand eight hundred and twenty one ; to my said Granddaughter Emily MacTavish and her Heirs, all the aforesaid Lot Number Five, and the small or two acre Lot Number Five which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her, bearing date on the seventh day of February one thousand eight hundred and twenty one ; To my said Granddaughter Mary Sophia Bayard and her Heirs, all the aforesaid Lot Number Ten and the small or two acre Lot Number Ten which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her, bearing date on the Seventh day of February, One Thousand Eight hundred and Twenty one ; and to the said Doctor William Howard the Survivor of the said John Eager Howard the younger, and his Heirs, all the aforesaid Lot Number Three, and the small or two acre Lot Number Three which are conveyed to them as aforesaid in Trust for my said Grand-

daughter Elizabeth Chew Carroll now Elizabeth Chew Tucker and her Heirs, and for other purposes, according to the metes and bounds expressed in the said deeds of Lease and Release thereof to them, bearing date respectively on the sixth and seventh days of February, one thousand eight hundred and twenty one ; which devise is upon the same Trusts, and for the same intents and purposes as are expressed in the deed of Release last aforesaid ; and to the said Doctor William Howard, the Survivor of the said John Eager Howard the younger, and his Heirs, all the aforesaid Lot Number Four, and the small or two acre Lot Number Four, which was conveyed to them as aforesaid in Trust for my said Granddaughter Harriet Carroll and her Heirs, and for other purposes, according to the metes and bounds expressed in the said deeds of Lease and Release thereof to them, bearing date respectively on the Sixth and Seventh days of February, One Thousand, Eight Hundred and Twenty one, which devise is upon the same Trusts, and for the same intents and purposes as are expressed in the deed of Release last aforesaid ; and to the said Doctor William Howard the Survivor of the said John Eager Howard the younger and his Heirs all the aforesaid Lot Number Seven, and the small or two acre Lot Number Seven which are conveyed to them as aforesaid in Trust for my said Granddaughter Louisa Catharine Carroll and her Heirs, and for other purposes, according to the metes and bounds expressed in the said deeds of Lease and Release thereof to them, bearing date respectively on the Sixth and Seventh days of February, One Thousand, Eight hundred and Twenty one ; which Devise is upon the same Trusts, and for the same intents and purposes as are expressed in the deed of Release last aforesaid.

And whereas I have Contracted, and may hereafter contract for the Sale of sundry parcels and tracts of land, to Conveyances of and for which the Contracting parties will become Entitled on fulfilling the conditions of their respective Contracts, which may not take place during my life, I do hereby direct and empower my Executors hereinafter named, and the survivors or survivor of them to execute Conveyances for and of all such Lands in Fee simple or otherwise according to the respective contracts to the respective contracting parties, or those claiming under them, on the fulfilment of the Conditions of Sale by them respectively, and I do hereby Devise all such Lands to my said Executors and to the Survivor of them and the Heirs of such Survivor for the purpose of better enabling them so to Convey.

I have already paid for my Grandson Charles Carroll a sum of money in order to prevent the Sale of Home Wood, which belongs to him; and may hereafter pay other sums for his individual benefit; and as it is not just that the portion of my Estate devised to his Sisters should be charged with money paid for his exclusive benefit, I hereby direct that all sums (except the annual allowance for the support of himself and his family) which shall be charged against him not as Administrator in my said Book marked F. A., and which shall remain open against him at the time of my decease, shall be allotted and charged against him as a part of his share of the one Third of the General Residuum devised to him and his Sisters, and shall be accounted for out of his part of the said one third.

I do hereby nominate, Constitute, and appoint Robert Oliver, Richard Caton, and John MacTavish, Executors of this my last Will and Testament. But as the said John MacTavish is not a Citizen of the United States,

and may therefore at the time of my death not be qualified by Law to act as one of my Executors, I do therefore (in case the said John MacTavish by reason of any legal Impediment should be disqualified from acting as one of my Executors), hereby substitute my Granddaughter, Emily MacTavish in the place of her husband, the said John MacTavish, and in that case constitute and appoint the said Emily MacTavish, Executrix, and the said Robert Oliver and Richard Caton, Executors, of this my last Will and Testament. And I do further will and direct that no Commission or Compensation whatsoever be allowed on the Settlement of my Estate ; it being my express desire that no expense be incurred in the winding up of the same, excepting such, as shall be just and unavoidable.

I give to Mrs. Jane Shaw the sum of One Thousand dollars provided she survives me.

My servant Bill has served me faithfully, and if he survives me, I wish to make his latter years comfortable. But at my death he may be over forty-five years of age, and therefore, incapable of receiving a manumission. If he should be over forty-five at the time of my death, I request that, he may be released from service, and that my Grandson, Charles Carroll, pay him an Annuity of Fifty dollars a year, during his Life, and to permit him, if he desires it, to reside on the Manor of Doughoregan. If my said servant Bill should be under forty-five years of age at the time of my death, I hereby manumit him, and set him free at my death, and direct my said Grandson to pay him the above Annuity.

In witness whereof, I have to this my last Will and Testament set and subscribed my Hand and Seal, this second day of September, One Thousand, Eight hundred and Twenty-five. Ch. Carroll of Carrollton.

[Seal]

Signed, Sealed, Published, and Declared by the Testator as his last Will and Testament, in the presence of us, who at his request, in his presence, and in the presence of each other, have subscribed our Names as Witnesses thereto, the following interlineations and corrections being first made, that is to say, the words "each of" being first inserted between the words "of" and "my" in the eighth line of the fifth page, the words "last mentioned four" between the words "said" and "Granddaughters" in the fourth line from the bottom of the seventh page, the words "Katy and" between the words "and" and "her" in the fifteenth line of the tenth page, and the words "and Nelly and her children" between the words "children" and "which" in the following line of the same page; the words "and the house formerly occupied" in the sixteenth and seventeenth lines of the sixteenth page being first expunged, and the words "and owned" at the commencement of the fourth line from the bottom of the same page being inserted; the words "of her" in the ninth line of the seventeenth page being also expunged as well as the words "Two Thousand" in the fourth line of the eighteenth page; the words "and also all arrears of interest on the said Sum of Five Thousand Dollars" being inserted between the words "Dollars" and "that" in the fifth line from the bottom of the twenty-first page; the words "and rent" between the words "notes" and "shall" in the eleventh line of the twenty-third page; the words "and with my Daughters respectively" between the words "father" and "in" in the fourth line from the bottom of the thirty-fourth page, the words "as a part of the one third of the said residuum" between the words "residuum" and "devised" in the first line of the thirty-sixth page; and the words "now Elizabeth

Chew Tucker " being also inserted between the third and fourth lines from the bottom of the forty-seventh page, and the same words again introduced between the second and third lines of the fifty-fifth page ; the numerical figures in red ink at the corners of the pages from forty-five to fifty-eight inclusive being also Expunged.

Witnesses :
R. B. Taney,
Allen Thomas,
Geo. Howard,
Geo. Cook.

I, CHARLES CARROLL OF CARROLLTON, do make this Codicil to my last Will and Testament.

1st. I give and devise to my Grandson, Charles Carroll, his Heirs and Assigns, all my Manor and Lands situate in Anne Arundle County, called, or known by the name of Doughoregan Manor, or Doughoregan Manor enlarged, together with all my other Lands adjoining to the said Tract or Tracts of land, or to either of them. But, if my said Grandson, Charles Carroll, shall die without leaving issue, Male, living at the time of his death, or in ventre sa mere, then, I give and devise all of the said Lands, from and after the death of the said Charles Carroll to my daughters Mary Caton and Catharine Harper and to all the daughters now born, or hereafter to be born, of my said Grandson, Charles Carroll, their Heirs and Assigns for ever, as Tenants in common, and not as joint Tenants to be divided between them in the following manner. The one third of all of the said Lands above mentioned to my daughter Mary Caton, her Heirs and Assigns. Another third part to my daughter Catharine Harper, her Heirs and Assigns ; and the remaining third part to all the daughters of my said Grandson now

born, or hereafter to be born, their Heirs and Assigns for ever, equally to be divided between them as Tenants in common.

2d. In my Will I have devised to my daughter Catharine Harper, Five thousand Eight hundred and Ninety-Seven Acres of land in Pennsylvania, being an undivided part of Twenty-seven thousand Six Hundred and Ninety-one Acres, and also certain Houses and Lots fronting on Gay street in the City of Baltimore,—Now, I do by this Codocil give and devise the said Five thousand Eight Hundred and Ninety-Seven Acres of land and the said Houses and Lots fronting on Gay Street, in the City of Baltimore, to my three Grandchildren, Charles C. Harper, Emily Harper, and Robert Harper, their Heirs and Assigns, for ever, to be equally divided between them as Tenants in Common.

3d. In my said Will I have devised and bequeathed sundry Lots and Rents in the City of Baltimore, together with the plate, household and kitchen furniture which may be commonly used or employed in or about the House in which my Son-in-Law, Richard Caton, resides in the City of Baltimore, or at the Farm in Baltimore County, called Brookland Wood at the time of my death, and also all the Slaves commonly employed in or at, and about the said House or Farm at the time of my death to my friends John MacTavish, Richard Steuart, and Lewis Neth, in trust for the separate use of my Daughter Mary Caton during her life, and after her death for the use of the said Richard Caton during his life, and after his death to their four daughters, Mary (now Marchioness of Wellesly), Elizabeth Caton, Louisa, and Emily, their Heirs and Assigns for ever, as by the said Will, reference being thereunto had, will more fully and at large appear. Now I do hereby revoke so much of the said clause

above mentioned in my Will as directs that the said property so devised or bequeathed, should be for the use of my Son-in-Law, Richard Caton, for and during his life, in case he should survive his wife, Mary Caton. And, I will and direct that, all the Rents, Lots, Slaves, Plate, Household, and Kitchen furniture, and property mentioned, and devised or bequeathed by the aforesaid Clause of my Will, shall upon the death of my daughter Mary Caton, be conveyed and transferred by my said Trustees to my four Granddaughters, Mary (Marchioness of Wellesly), Elizabeth Caton, Louisa, now Lady Hervey, and Emily MacTavish, to them, their Heirs, Executors, Administrators, and Assigns as Tenants in Common.

4th. I give and devise to my friends, John MacTavish, Doctor Richard Steuart, and Lewis Neth, and to the Survivors and Survivor of them and to the Heirs of such Survivor, all my Lots and Rents in the Village of Catonville in Baltimore County, and all my right, title, and interest in, to, or out of the said Lots, in trust for the separate use of my daughter Mary Caton during her natural life, free from the controul of her husband, and from and after the death of the said Mary Caton for the use of her four daughters Mary, Elizabeth, Louisa, and Emily, their Heirs and Assigns for ever, in equal proportions as tenants in Common.

5th. I give and bequeath to my Granddaughter Emily MacTavish the one half of the Negroes and the one half of all the other personal property belonging to me, which may be on the farm called the Folly, part of Doughoregan Manor, at the time of my death ; but, this Bequest is not intended to embrace those Slaves on the said farm which formerly belonged to my Son, Charles Carroll.

6th. I give and bequeath to my Granddaughter

Emily MacTavish, the following Negroes that is to say, Nancy (Gardener Harry's daughter), and her children, and Basil her husband—also Rachel Hart and her children and increase, William, (Charlott's son), Adolphus, (Beale's son), Susan, (Titia's daughter), and Julie, (Milley's daughter), and also all the children of the above-mentioned female Slaves which may be born after the date of this Codocil and before my death.

7th. I give, to my four Grand-daughters, Mary, (Marchioness of Wellesley), Elizabeth Caton, Louisa (Lady Hervey), and Emily McTavish to be equally divided between them as Tennants in Common, the following Slaves, some of whom at the date of this my Codocil are learning the several Trades annexed to their Names, that is to say, Paul, (Beal's son) Blacksmith ; James, (Harry's son) Ploughmaker ; William, (Toney's son) Stone Mason ; Sally, (Charles' daughter) at Gibbons's ; Moses, (Joe's son) Wheelwright ; Robert, a Shoemaker ; Kitty, (Ben's daughter) at this time at the Farm called Brookland Wood, and Ellen, (Harry Hart's daughter) who is also at Brookland.

And it is my Will, and I do hereby direct that, if any of the Slaves mentioned in the two last preceding Clauses of this Codocil, that is to say in the sixth and seventh Clauses of this Codocil, shall be at Doughoregan Manor at the time of my death, they shall not be reckoned among the Slaves to be distributed in the manner mentioned in my Will, nor shall the Slaves bequeathed to my Grand-daughters, or either of them in the said two Clauses of this Codocil be considered as a part of the one third of the Slaves on Doughoregan Manor bequeathed in my Will to my four last mentioned Grand-daughters to be equally divided between them.

8th. I bequeath to my Grand-daughter Emily McTav-

ish the one half of all the Tobacco, Corn, and Wheat which shall be on Doughoregan Manor and belong to me at the time of my death, and which at that time shall not have been sold, or contracted to be sold ; excepting from this bequest what may be due from Tenants. In this bequest I mean to include the tobacco, Corn, and Wheat growing, or remaining on the ground, and also that which may be secured in Houses, Barnes, or otherwise, at the time of my death. I also give to the said Emily McTavish the one half of the plate and household furniture which shall belong to my dwelling House on Doughoregan Manor at the time of my death. The other half of the said Tobacco, Corn, and Wheat, plate and household furniture, and all rents due at the time of my death to remain to my Grandson Charles Carroll.

9th. I bequeath to my Grand-daughter Elizabeth Caton Ten thousand Dollars ; and also to my Grand-daughter Louisa (Lady Hervey) Ten Thousand Dollars. And I hereby direct that the said Two Legacies, amounting together to Twenty Thousand Dollars, be taken out of the one third of the General Residuum of my Estate devised and bequeathed in my aforesaid Will in trust for my daughter Mary Caton for life, and after her death to her four daughters. The said Sum of Twenty Thousand Dollars is to be reckoned and accounted as a part of the said last mentioned one third of the general residuum of my Estate in the division thereof, and the other two thirds of the said general residuum are not to be diminished by reason of the said two Legacies.

10th. It is my Will and intention that all property real and personal of every kind and description devised or bequeathed to my Grand-daughters, or to any, or to either of them, by my aforesaid Will, or by this Codocil, and all the Estate, interest, property and money to which

my Grand-daughters, or any, or either of them may hereafter become Entitled under or by virtue of my said Will, or this Codocil, shall be free from the Control of their respective husbands, and in order more effectually to accomplish this purpose I hereby devise and bequeath to my friends John McTavish, Doctor Richard Steuart, and Lewis Neth all the property, Estate and estates, interest and interests, share and shares, proportion and proportions, money and legacies, which by my said Will or this Codocil I have before given to my Grand-daughters, or to any, or to either of them in possession or remainder, or to which my said Grand-daughters or any, or either of them may become entitled in any manner under and by virtue of my said Will, or this Codocil, in trust that they the said John McTavish, Doctor Richard Steuart and Lewis Neth, and the Survivors and Survivor of them, will by proper Deeds and Instruments of writing secure the same, and every part and parcel thereof to the separate use of my Grand-daughters and of each and every of them according to their several proportions and interests as specified and mentioned in my said Will, or in this Codocil, And in such manner that my said Grand-daughters and each and every of them may at all times hold their said respective interests free from the Controul of their present or future husbands, and be able and capable notwithstanding their Coverture to use or dispose of the same and every part and parcel thereof by deed, Will, or otherwise, as absolutely and freely as if they were sole and unmarried.

11th. In my aforesaid Will, I have devised and bequeathed to the Most Reverend Ambrose Marechal Arch-Bishop of Baltimore certain real and personal property particularly mentioned in my said Will, I hereby revoke and annul all the devises and bequests made to

him in my said Will, and declare the same and every part and parcel thereof, and the uses and privileges connected therewith to be annulled and revoked.—And, I hereby bequeath to the Most Reverend Ambrose Marechal the sum of Three Thousand Dollars.

12th. I hereby revoke and annul so much of my aforesaid last Will and Testament as may be inconsistent with this Codocil, and in all other respects ratify and Confirm the said Will.

In Testimony Whereof, I have hereunto set my Hand and affixed my Seal this fifth day of February in the year of our Lord One Thousand Eight hundred and Twenty Seven.

Charles Carroll of Carrollton.
[Seal]

Signed, Sealed, Published and Declared by the above named Charles Carroll of Carrollton the Testator therein mentioned, as and for a Codocil to his Last Will and Testament, in the Presence of us, who, at his request, in his presence, and in the presence of each other, have subscribed our Names as Witnesses thereto.

Roswell L. Colt.
John Thomas.
R. B. Taney.

I, CHARLES CARROLL, OF CARROLLTON, do make this my second Codocil to my last Will and Testament. In my first Codocil, I have devised to my Grandson Charles Carroll, his heirs and assigns, all my Lands called Doughoregan Manor, or Doughoregan Manor Enlarged, with all my lands adjoining the said tract or either of them, and in the event of his dying without issue male, living at the time of his death, or in ventre sa mere, I have by the same Codocil, devised over the same

lands, among the families of my said Grandson, and my two daughters : as by the said Codocil appears.

It has always been my desire to secure the said lands to the male branch of my family as long as the laws of this State will permit ; and as my said Grandson has at this time two sons, I have determined to change the disposition heretofore made of these lands, and do now devise as follows :

I give and devise all my lands called Doughoregan Manor, and all my lands called Doughoregan Manor Enlarged, and all my lands adjoining the said tracts of land or either of them, to my grandson Charles Carroll, to hold to him during his natural life ; and from and after his decease, I give and devise all the said lands to my great-grandson Charles Carroll, eldest son of my said grandson, for and during the term of his natural life : and from and after the decease of my said great-grandson Charles Carroll, to remain to the first son of my said great-grandson, and the heirs male of the body of such first son lawfully issuing ; and for default of such issue, then to the second, third, fourth, fifth and sixth, and all and every other sons of my said great-grandson Charles Carroll, to be lawfully begotten, and to the heirs male of their bodies, respectively the elder of such son or sons, and the heirs male of his body lawfully issuing, always to be preferred and to take before the younger of such sons, and the heirs male of his body :—and in default of such issue, then I give the said lands to my great-grandson Thomas Lee Carroll, second son of my said grandson, for and during the term of his natural life ; and after his decease, to remain to his issue, in tail, male, in such manner as I have limited the same to my great-grandson Charles Carroll ; and his issue male :—and in default of such issue then to the

third son of my grandson Charles Carroll; and to the heirs male of the body of such third son, lawfully begotten; and for default of such issue, then to the fourth, fifth and sixth, and all and every other sons of my said grandson Charles Carroll, lawfully begotten, and to the heirs male of their respective bodies:—the elder of such son or sons, and the heirs male of his body, lawfully begotten, always to be preferred, and to take before the younger of such sons and the heirs male of his body: and in default of such issue, then, the one undivided third part of the said lands to remain to the right heirs of my said grandson Charles Carroll forever. One other undivided third part, to my daughter Mary Caton her heirs and assigns; and the remaining third part to my daughter Catharine Harper her heirs and assigns.

In my Will, I have given to my daughter Mary Caton, certain lots in the City of Annapolis, and among them, my lot adjoining my former dwelling house, upon which my Coach-house stands: I hereby declare that in that devise I intended to give all of the ground to the waters edge, as a part of the said lot, and direct that the said devise shall be so construed and understood. And it is my Will that all of the property real and personal, devised and bequeathed to the trustees mentioned in my Will and Codocil, upon certain trusts therein mentioned shall be and remain subject to the said trusts, not only in the hands of the said trustees, but in the hands of the survivors and survivor of them, and the heirs, Executors and Administrators of the survivor.

In my book of family accounts marked F. A. I have caused the accounts of my advances, made to the family of my deceased son, and of my two daughters, to be carefully revised, and balanced to the twentieth day of November Eighteen hundred and twenty-nine; and I have

ascertained that up to that day, I have advanced to the family of my daughter, Mary Caton, Fifty-four thousand three hundred and thirty-two dollars and ninety-two cents ; to the family of my deceased son Charles Carroll, one hundred and seven thousand, four hundred and fifty-one Dollars and sixty-seven cents ; and to the family of my Daughter Catharine Harper, one hundred and four thousand, three hundred and five Dollars and fifty-three cents : and I do hereby ratify and confirm the balances so struck in my said book marked F. A. and declare the sums above mentioned to be the amount advanced to the respective families of my three children to the twentieth day of November in the year eighteen hundred and twenty-nine : which said several advances are to be accounted for, and allowed in the distribution of the general residuum of my Estate, in the manner directed in my Will. The sums of money charged against my grandsons Charles Carroll, and Charles Carroll Harper, as Administrators of their respective fathers are included in the balances above mentioned, and are not to be charged to my said two grandsons individually, but to be allowed as a charge against their respective families, and form a part of the general balance herein before mentioned : and the sums charged to my grandson Charles Carroll Harper individually are to be allowed as a charge against the share of the residuum of my Estate bequeathed to him and his brother and sister, and are not to be deducted from his proportion of that share in the division thereof,—between him and his brother and sister.

In my Will, I have given, among other things, One third of my Slaves on Doughoregan Manor (except those on that part of the Manor, called the Folly), to the four daughters of my daughter Mary Caton. I hereby revoke so much of the said bequest as relates to the said one

third of the said Slaves so given to the children of my daughter Mary Caton, and I do hereby give and bequeath the said one third to my granddaughter Emily MacTavish.

I transferred to my granddaughter Emily MacTavish, Two hundred Shares of Stock in the Bank of the United States, in the month of November last. The said shares were transferred to her as a gift, and I do hereby ratify and confirm it.

The sums charged in my book marked F. A. advanced, or to be advanced for the education of my great-grandson Charles Carroll MacTavish, are not to be charged against any bequest made to his mother or father, in my Will or Codocils.

I hereby direct my Executors to pay to A. Brown and Sons, five hundred pounds Sterling, which they the said A. Brown and Sons, have loaned to my granddaughter, Elizabeth Caton, and the payment of which I have guaranteed to them ; Which said sum so to be paid I intend as a gift to my said granddaughter, and hereby so declare it.

I direct that Julia, the mother of my servant Bill, shall be allowed to live on Doughoregan Manor, during her life, and be provided for and supported by my grandson Charles Carroll.

I hereby revoke so much of my said Will and first Codocil, as may be inconsistent with the directions and bequests contained in this my second Codocil, ratifying in all other respects my said Will and first Codocil.

In testimony whereof, I have hereunto set my hand and affixed my seal, on this fifth day of January in the year of our Lord eighteen hundred and thirty.

Charles Carroll of Carrollton.

[Seal]

Signed, sealed, published, and declared by the above mentioned testator, as and for his second Codicil to his last Will and Testament, in the presence of us, who, at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses thereto.

R. B. TANEY,
MATT^W BATHURST,
R. W. FISHER.

Whereas I CHARLES CARROLL OF CARROLLTON, of Baltimore City in the State of Maryland, have heretofore made and duly executed my last will and testament, in writing, bearing date on the second day of September, in the year Eighteen hundred and twenty-five, and since the Execution thereof have annexed sundry Codocils thereto : and whereas since the execution of my said last will and testament, I have also made sundry dispositions of portions of my Estate, real, personal and mixed, and have done various acts affecting the same, which dispositions and acts are not mentioned in my said last will and testament, or in any of the Codocils thereto : and whereas it is my anxious desire that the property which I may die possessed of, or which I may heretofore have disposed of, or in any way affected by any act of mine, or any part thereof,—may not become after my death, a subject of litigation among my heirs or devisees ; but that the disposition which I have made of the same, or any part of it, by deed, last will and testament and the Codocils thereto, or otherwise, may remain without impeachment, by any person, or persons, claiming or to claim, in any manner, by from or under me, as heirs devisees or otherwise. I do therefore make this my Codocil, which I will and direct shall be taken and held as a part of my said will and testament in manner and form following ; that

is to say,—I do declare it to be my will and intention, that if any person or persons, claiming, or to claim, any interest or estate whatever, by from or under my last will and Testament, and the codocils thereto, or from or under any other act or deed of mine bearing my signature, or the heirs of such person, or persons, or any of them, shall directly or indirectly, attempt by suit in law or in Equity, or in any other manner, to set aside, alter, impair, disturb or interfere with, any disposition, which I have heretofore made of my said property or any part thereof, by last will and testament and the Codocils thereto, by deed, by writing bearing my signature or otherwise, or who shall not stand to or abide by the same ; according to the true intent and meaning thereof ; that then and from the time of such attempt, such person or persons so making, or causing to be made the same, shall forfeit and be deprived of all devise, bequest, legacy, estate or interest, made or created in his, her or their favor, in and by my said last will and testament, and the Codocils thereto ; and the property or estate real personal or mixed, so forfeited, shall immediately vest in the Executors of my said last will and testament, and the survivors of them, and the heirs of such survivor, with full power to sue for and recover the same, should the person or persons so forfeiting refuse the peaceable delivery thereof ; and my said Executors and the survivor of them and the heirs of such survivor, shall hold the property so forfeited as aforesaid, in Trust, for the children of the persons so forfeiting, the revenue accruing on the estate so forfeited, to be applied in the discretion of my said Executors, and the survivor of them, to the maintainance and education of such children, investing the surplus revenue, if any, in such manner as my said Executors, and the survivor of them may deem

best, until the death of the person or persons so forfeiting as aforesaid, when and not before, the property so forfeited, together with the increase thereof, shall be transferred to such child or children in the manner indicated by my said last will and testament ; or in the absence of such indication in the proportions prescribed by the laws of Maryland, with regard to the distribution of intestates Estates ; and if the person or persons so forfeiting as aforesaid shall have no children at the time of such forfeiture, then my said Executors and the survivor of them and the heirs of such survivor shall within one year, after the forfeiture aforesaid, or whenever they shall receive the same, distribute the property so forfeited among my heirs at law, according to the legal distribution of the Estates of Intestates.

In testimony whereof, I have hereto set my hand, and affixed my seal, this eighteenth day of November in the year of our Lord one thousand eight hundred and thirty-one.

CHARLES CARROLL OF CARROLLTON.
[SEAL]

Signed sealed published and declared by Charles Carroll of Carrollton, the above named Testator as and for a Codocil to his last Will in the presence of us, who at his request in his presence, and in the presence of each other have subscribed our names as witnesses thereto.

MATT^W^ BATHURST
JOHN WHITE
ROB^T^ BARRY

APPENDIX D.

GENEALOGICAL NOTES—CARROLL FAMILY.

EXTRACTS from original MS. of the pedigree of the Carroll family, Doughoregan Manor; confirmed collaterally by the official genealogy in the "Linea Antiqua" in Dublin Castle. (See chart.)

"The original of the foregoing genealogies of the O'Carrolls was brought by Charles Carroll into Maryland in a little Irish MS. book which he strictly charged his wife to deliver to me, his son Charles, and which when I was at Paris in the year, 1757, I got translated into English, as will appear by the Irish and English, in opposite pages, from page 1 to page 65; the original little Irish MS. book being still in my possession. The above Charles was second son of Daniel Carroll, Esq., of Litterluna, in the King's County, in Ireland. In some measure to corroborate the authenticity of the foregoing genealogies, the following are here added, which were lately transmitted to me from Ireland, viz.: Anno. 1765, by Anthony Carroll, son of Daniel, son of Anthony Carroll, of Lisheenboy, in the county of Tipperary, which Anthony of Lisheenboy was elder brother to Charles, the first settler in Maryland, and it likewise evidences the faithfulness of the foregoing translation." (Here follows an authentic and exact genealogy of the family of the O'Carrolls of Litter and Adamstown—Litterluna

and Cadamstown, or Baile-mic-Adam—in the King's County Kingdom of Ireland).

The above is given as quoted in "*Stemmata Carrollana*, being the true version of the Pedigree of Carroll of Carrollton and correcting that erroneously traced by Sir William Betham, late Ulster King-of-arms." [See chart.]

Charles Carroll of Carrollton no doubt brought over for his father, this genealogy furnished by Anthony Carroll, on his return to America in 1765. It will be seen that Anthony Carroll is here spoken of by Charles Carroll of Annapolis as son of Daniel, son of Anthony Carroll of Lisheenboy, County of Tipperary. By referring to the genealogy given by Anthony, it is found that Anthony of Lisheenboy, son of Daniel, had beside his eldest son, Daniel, three other sons, Michael, James, and Charles. According to the chart given in this book, James was a Captain in Lord Dongan's Regiment of Dragoons, from whom descend Carrolls of Dublin and New York. Who then was James Carroll of Ann Arundel, Maryland, apparently from Tipperary County, Ireland, who made his will in 1728? (See Appendix.) He was undoubtedly a relative of Charles Carroll, brother of Anthony of Lisheenboy. (See his will and will of Charles Carroll the Immigrant.) James mentions in his will two brothers, Daniel and Michael; he does not mention any brother Charles. But Charles, son of Anthony of Lisheenboy, died in 1724, therefore, of course, would not be mentioned in his brother's will. James makes Anthony Carroll, only son of his brother Daniel, his heir-at-law, and apparently was himself unmarried and childless.

Anthony Carroll, grandson of Anthony of Lisheenboy, speaks in his letters to Charles Carroll of Annapolis, of his uncle Michael, who died in 1762. He mentions no brothers of his own and was apparently an only son. His mother and sisters were living in 1763 as were children

of Michael. In James Carroll's will, he speaks of his nephews, sons of his brother Michael, James, Dominick, Anthony and Daniel. This Anthony may have been the Anthony Carroll mentioned as one of the witnesses to James Carroll's Will.

In the Will of John Carroll of Ann Arundel County May 1st 1720, (Register of Wills office, Annapolis), both "Mr. James Carroll of Ann Arundel County" and "Mr. Dominick Carroll of Ann Arundel County, son of Michael Carroll of the Kingdom of Ireland, gentleman," are mentioned. Were not Dominick and his brothers the sons of Anthony's "uncle Michael?" Of these Carrolls, the descendants alone of Dominick have been traced, if we may assume that the latter is identical with Dominick Carroll of Cecil County, who married Mary, daughter of Major Nicholas Sewall, widow of——Lowe, Sept. 3rd 1725. She married thirdly William Frisby, and fourthly a gentleman named Baldwin. (Chancery suits, Land office.) Dominick and Mary Carroll had five daughters, Mary, Julian, or Julianna, Eleanor, Susanna and Anastasia. Mary born April 15th 1727 married Captain Michael Earle of Swan Harbor, and died childless, 1787. Julianna, born Jan. 3rd 1729, married Edward Tilghman 25th April 1759. Eleanor, born 23rd of March 1730, married James Earle. Susanna born 30th of June 1733. (Hanson's "Old Kent," and G. G. Eaton, genealogist, Washington.)

James Carroll, living in Somerset County in the 1st half of the 18th century may have been the son of Michael Carroll, and brother of Dominick. He married Eleanor Van Swearingen, daughter of Garrett Van Swearingen of Holland, and his second wife Mary Smith of St. Mary's county, where Van Swearingen was then living. Garrett Van Swearingen emigrated from Holland to Deleware 1656, and from Delaware to Maryland about

1669. (Judge H. N. Goldsborough, and "The Tiernan Family in Maryland.") The son of James Carroll and Eleanor Van Swearingen, Henry James Carroll, married a Miss King of Somerset County, and they were the parents of Thomas King Carroll, Governor of Maryland, 1830.

Joanna Carroll, sister of James, Daniel and Michael Carroll married Richard Croxall, and though the Croxall name is nearly extinct, many of the descendants of Joanna Carroll Croxall are living, and are socially prominent at the present day. Among them may be mentioned the artist R. Le Grand Johnston, Washington D. C. and Mrs. Fielder C. Slingluff of Baltimore, Maryland.

CHILDREN OF RICHARD AND JOANNA [1] CARROLL CROXALL.

Richard [2] Croxall of "Garrison Forest," m. Eleanor Buchanan. She d. Feb. 12 1805, aged 74; Charles [2] Croxall m. July 23, 1746, Rebecca, daughter of John Moale. They had a son Richard [3] lost at sea, 1782, aged 24; James Carroll [2] Croxall, d. y. Oct. 17, 1748; Rachel [2] Croxall, m. Richard Carroll of "Mount Dillon;" Mary [2] Croxall m. Nathaniel Rumney, d. Oct. 1754; daughter [2] d. y. daughter,[2] m.——Howard.

CHILDREN OF RICHARD CARROLL OF "MOUNT DILLON" AND RACHAEL [2] CROXALL.

Richard [3] Carroll, m. Judith Carter Armistead of "Hesse," Virginia, widow 1st of Richard Moale, 2nd of Robert Riddell; Margaret [3] Carroll, m. 1st—McMechen, m. 2nd——Harvey, had a son Carroll [4] Harvey; Fanny [3] Carroll, m. Dr. Martin of Virginia. (Croxall Family Bible).

THE CARROLLS OF "DOUGHOREGAN MANOR," AND "DUDDINGTON MANOR," USUALLY CALLED THE CARROLLS OF CARROLLTON.

I. Daniel [1] Carroll of Litterluna, King's County Ireland, m.—. He had two sons who left issue, Anthony [2] of Lisheenboy, Co. Tipperary, b.— ; and Charles,[2] b. 1660, emigrated to Maryland, d. July 1st, 1720. Anthony,[2] will proved 1724, had four sons, Daniel,[3] Michael[3], James, [3] Charles.[3] Daniel [3] had son Anthony,[4] and daughters, two or more, who were living, with their mother, in 1763. Michael,[3] d. 1762, had children living in 1763. James,[3] a captain in Lord Dongan's Regiment of Dragoons, at the Boyne. Charles,[3] will proved 1724.

II. Charles [2] Carroll arrived in Maryland the 1st day of October, 1688. He married Martha Underwood November 4th 1689. She died, November, 1690. Charles [2] and Martha Underwood Carroll had Anthony [3], d. inf. Charles Carroll m. 2d Mary Darnall, February 14, 1693. She died February, 1742. Charles [2] and Mary Darnall Carroll had Charles [3], b. April 27, 1695 d. April 30 ; Charles [3] b. March 6, 1696, d. same day ; Henry [3] b. January 26, 1697, d. April 10, 1719 ; Elianor [3], b. March 26, 1699, d. 18th September, following ; Bridget,[3] b. September 1, 1700, d. same day ; Charles [3] Carroll of Annapolis, b. April 2, 1702, d. 1781 ; Anthony,[3] b. November 2, d. December, 1705 ; Daniel,[3] of "Duddington" b. October 3, 1707, d. April 15, 1734 ; Mary,[3] b. June 3, 1711; Elianor,[3] b. August 2, 1712, "at Woodcott in Surry in old England." She died April 26, 1734. [The dates of the births of children of Charles [2] Carroll have been copied from the fly-leaves of his Latin Prayer Book where they are entered more fully than here given].

III. Charles [3] Carroll of Annapolis and "Doughore-

gan Manor," m. Elizabeth, daughter of Clement and Jane Sewall Brooke. She was born May 17, 1709, died March 12, 1761.

IV. Charles [4] Carroll of Carrollton, only child of Charles [3] and Elizabeth Brooke Carroll was b. September 8 (old style) 1737, d. Nov. 14, 1732. He m. Mary Darnall June 5, 1768. She was born March 19, 1749. The children of Charles [4] Carroll of Carollton and Mary Darnall Carroll were

V. Elizabeth [5] b. 1769; Mary,[5] b. September 2, 1770, m. Richard Caton, son of Joseph Caton of Liverpool, England, November, 1786; Louisa Rachel, b. 1772; Charles [5] Carroll of "Homewood," b. March 2, 1775; Anne Brooke,[5] b. 1776; Catherine,[5] b. December 18, 1778; m. Robert Goodloe Harper; Eliza,[5] b. 1780, d. 1783.

VI. The children of Richard and Mary[5] Carroll Caton were Mary,[6] m. 1st Robert Patterson, m. 2d. the Marquis of Wellesley, d. s. p. 1853; Elizabeth,[6] m. Baron Stafford, d. s. p. Oct. 29, 1862; Louisa Katherine,[6] m. 1st. Col. Sir Felton Bathurst Hervey, m. 2d Francis Osborne, seventh Duke of Leeds, d. s. p., April 8, 1874; Emily,[6] m. John McTavish, British consul to Baltimore.

VI. Charles [5] Carroll of "Homewood" m. July 17, 1800, Harriet Chew. He died April 3, 1825, Mrs Carroll b. Oct. 22, 1775, d. April 8, 1861. The children of Charles [5] and Harriet Chew Carroll were Charles,[6] b. July 25, 1801; Elizabeth Henrietta,[6] b. Oct. 6, 1802, m. Dr. Aaron Tucker; Mary Sophia,[6] b. April 9, 1804, m. Hon. Richard H. Bayard; Benjamin Chew,[6] b. Sept. 27, 1805; Harriet Juliana,[6] b. Jan–y 30, 1808, m. Hon. John Lee of "Needwood," d. April 17, 1881; Louisa,[6] b. Oct. 2, 1809, m. Isaac Rand Jackson.

VI. Catherine [6] Carroll m. at Annapolis, May 1st, 1801, Hon. Robert Goodloe Harper. The children of R. G. and Catherine [6] Carroll Harper were Charles Carroll,[6] b. August 23, 1802, m. Charlotte Chiffelle ; Mary Diana,[6] b. Oct. 7, 1803 ; Richard Caton,[6] b. March 24. 1806 ; Emily Louisa Hinton,[6] b. May 28, 1812, died in Norfolk Va. (though a resident of Baltimore), 1892 ; Robert S.

VII. The children of John and Emily [6] Caton McTavish were Charles Carroll,[7] b. Jan–y 18, 1818, m. Marcella Scott ; Richard Caton,[7] b. March 24, 1821 ; Mary Wellesley,[7] b. Nov. 21, 1825, m.——Howard, son of Earl of Carlisle ; Alexander Simon,[7] b. April 28, 1829, m. Ella Gilmor.

VII. Charles [6] Carroll of "Doughoregan Manor," m. October, 1825, Mary Digges Lee. She was born June 9, 1800. ["Lee of Virginia" p. 385]. The children of Charles [6] and Mary Digges Lee Carroll were Mary,[7] m. Dr. Eleazer Acosta ; Charles,[7] b. Oct. 1828, d. February, 1895, s. p. He inherited "Doughoregan Manor," and is named in the will of his great grandfather, married Caroline Thompson of Virginia. Thomas Sim Lee,[7] named in the will of his great grandfather, b. 1829, d. 1833 ; Louisa,[7] m. George Cavendish Taylor of England, nephew of Lord Waterpark, an Irish peer. Mr. Taylor, while on a visit to "Doughoregan Manor," copied the genealogies from the Irish MS : book preserved in the family there, used by Fredrick John O'Carroll in his "*Stemmata Carrollana.*" John Lee,[7] b. 1830, m, 1st Anita, dau. Royal Phelps of N. York, m. 2d Mary Carter Thompson, sister of Mrs. Charles Carroll. John Lee Carroll was member of Md. State Senate 1867–72, Governor of Maryland, 1875, owns "Doughoregan Manor," where he resides during part of the year. Louisa,[7] Thomas Sim Lee,[7] Oswald,[7] d. infants ; Albert

Henry,[7] m. May 4, 1858, Mary Cornelia, dau. Wm. George Read of Baltimore. He served in the Confederate Army during the War between the States, and was killed in battle, near Martinsburg, Virginia, September 7, 1862. Mrs. Carroll m. 2d. Col. James Fenner Lee. Robert Goodloe Harper,[7] b. 1840, m. 1st Ella Thompson, d. s. p., m. 2d. Mary Digges Lee ["Lee of Virginia," p. 485]. Mr. R. G. Harper Carroll served also in the C. S. A. He resides in Howard County on his portion of the Manor estate. Helen Sophia,[7] m. Charles Oliver O'Donnell.

VII. The children of Charles Carroll [6] and Charlotte Chiffelle Harper were Harriet Ladson,[7] b. April 13, 1828, d. March, 24, 1836; Catharine Carroll,[7] b. March 30, 1832, d. May 27, 1841; Emily Louisa,[7] married Mr. William C. Pennington of Baltimore.

VIII. The children of Charles Carroll [7] and Marcella Scott McTavish were Mary,[8] Emily,[8] b. 1855, Charles Carroll,[8] b. 1857, Virginia Scott,[8] b. 1859, Paul Winfield Scott,[8] b. 1860.

VIII. Alexander Simon [7] and Ella Gilmor McTavish had Francis Osborne [8] McTavish.

VIII. Dr. Eleazer and Mary [7] Carroll Acosta had Rafaella [8] Acosta.

VIII. George Cavendish and Louisa [7] Carroll Taylor had 2 sons and 3 daughters.

VIII. John Lee [7] and Anita Phelps Carroll had Charles Lee,[8] b. 1857, d. 1858; Mary Louisa [8] m. Comte Jean de Kergolay of France; Anita Maria,[8] m. Baron Louis de la Grange of France; Royal Phelps,[8] m. Marion Langdon of New York; Charles,[8] m. Susanne Bancroft; Albert Henry,[8] d. 1867; Mary Irene,[8] d. 1888; John Lee,[8] d. 189–; Mary Helen,[8] m. in Paris, 1897, Herbert D. Robbins of New York. John Lee and Mary Carter Thompson Carroll had Philip Acosta Carroll, b. 1879.

VIII. Robert Goodloe Harper[7] and Mary Digges Lee Carroll had Charles,[8] b. August 12, 1873; Albert Henry,[8] b. October, 1874.

VIII. Charles Oliver and Helen Sophia[7] Carroll O'Donnell had John,[8] Mary,[8] m. the Vicomte de La Bassetier, Paris, France; Aileen.[8]

VIII. William Clapham and Emily Louisa[7] Harper Pennington had Clapham,[8] and Charles Harper[8] Pennington, artist.

THE CARROLLS OF DUDDINGTON.

Daniel[3] Carroll of "Duddington Manor," married Ann, daughter of Notley Rozier of "Notley Hall," Prince George's Co. Md. Mrs. Carroll m. 2dly Benjamin Young. The children of Daniel and Ann Rozier Carroll were Charles,[4] of "Duddington," b. Sept. 12, 1729, sometimes called Charles Carroll of "Carrollsburg"; Eleanor,[4] m. Daniel Carroll of Upper Marlboro, brother of Rt. Rev. John Carroll; Mary,[4] m. Ignatius Digges of "Melwood," Prince George's Co., d. s. p. Mary Carroll was the 2d. wife of Ignatius Digges.

V. Charles[4] Carroll of "Duddington" and "Carrollsburg,"[4] m. 1763, Mary dau. of Henry Hill. The children of Charles[4] and Mary Hill Carroll were Daniel,[5] of "Duddington," Charles,[5] of "Bellevue," Henry Hill,[5] of "Litterluna," Baltimore County.

VI. Daniel[5] Carroll of "Duddington," m. 1st. Anne Brent, m. 2d. Anna R. Boyce. He built the manor-house of "Duddington" in 1793. The Duddington Manor estate of one thousand acres was surveyed for George Thompson, in 1663, Ann Young having possession of it, later through the Notley family with whom the Roziers intermarried. Charles[4] Carroll, Jr. received it from Ann Young, his mother, in 1758. Daniel[5] Carroll of "Dudd-

ington " was one of the commissioners for laying out the District of Columbia, and " Duddington " was in the city of Washington, occupying the square between 1st and 2d and D and E streets southeast. Daniel[6] Carroll of " Duddington " died in 1849. His children were Charles,[6] m. Mary Carroll of " Litterluna " ; Norah,[6] m. William Dudley Digges ; Maria,[6] m. Robert H. Fitzhugh ; Elizabeth,[6] m. Henry J. Brent, Ann,[6] Sarah,[6] m. Maj. Nicholson ; Rebecca,[6] d. 1887 ; Jane,[6] b. April 2, 1821, d. 1896.

VI. Charles[5] Carroll of " Bellevue," m. Anne Sprigg. He left his splendid estate in Washington County, Md., adjoining Hagerstown, in 1811 to settle with other Marylanders in the Genesee country, western New York. The children of Charles[5] and Anne Sprigg Carroll were Henry,[6] d. s. ; Charles H.[6] of " The Hermitage," M. C. 1843–1847, m. Alida Van Renssalaer ; Hannah,[6] d. s. ; William Thomas,[6] m. Sarah Sprigg ; Daniel Joseph,[6] d. s. ; Anne,[6] m. Dr. Lane ; Jane,[6] m. M. Tabb ; Elizabeth Barbara,[6] m. Henry Fitzhugh.

VI. Henry[5] Carroll of " Litterluna," Baltimore County, m. Sarah Rogers. The children of Henry[5] and Sarah Rogers Carroll, were Mary,[6] m. Charles[6] Carroll of " Duddington " ; Henry,[6] m. Mary Sterrett.

VII. William Dudley and Norah[6] Carroll Digges had George Attwood[7] ; Daniel Carroll[7] ; William Dudley[7] ; Robert[7] ; Charles[7] ; Anne[7] ; Catharine[7] ; Norah,[7] m. Dr. James Ethelbert Morgan of Washington, D. C.

VII. Robert H. and Maria[6] Carroll Fitzhugh had Daniel Carroll[7] Fitzhugh who married his cousin Maria A. Fitzhugh.

VII. Henry J. and Elizabeth[6] Carroll Brent had Catherine D.,[7] married her cousin Daniel H. Fitzhugh.

VII. Maj. —— and Sarah[6] Carroll Nicholson had Elizabeth,[7] m. Capt. Burrit.

VII. Charles H.[6] and Alida Van Renssalaer Carroll had Cornelia,[7] m. E. P. Fuller and Anne E.,[7] m. William Dana Fitzhugh.

VII. The children of William Thomas[6] and Sarah Sprigg Carroll were Gen[l] Samuel Sprigg,[7] U. S. A., m. Helen Bennett; Violetta Lansdale,[7] m. Dr. Thomas Swann Mercer, of West River, Md.; Sarah,[7] m. 1st Gen[l] Charles Griffin, U. S. A., m. 2d. Count Esterhazy of Austria; Caroline,[7] m. Lieut. Boles, U. S. N; Alida,[7] m. Gen[l] John M. Brown.

VII. Dr.—and Anne[6] Carroll Lane had Elizabeth,[7] m. S. H. Peake; Hardage, d. s.; Harvey, d. s.

VII. M. and Jane[6] Carroll Tabb had Mary,[7] m. Thos J. Gantt; Anne d. s.; Alida, m. Mr. Littlejohn.

VII. The children of Henry and Elizabeth Barbara[6] Carroll Fitzhugh were Henry,[7] d. s. 1889; Gerrit;[7] Anna[7] d. s. 1867; Gen[l]. Charles Lane,[7] U. S. A., m. Emma Shoenberger; Col. Robert Hughes[7] Fitzhugh.

VIII. The children of Dr. Thomas Swann and Violetta Lansdale[7] Carroll Mercer were Carroll,[8] and John Francis[8] Mercer.

VIII. The children of Gen[l]. Charles Lane[7] and Emma Shoenberger Fitzhugh were Henry,[8] m. 1st Winifred Lee Poe, m. 2d Edith Frances Dantry; George,[8] d. s.; Carroll[8] Fitzhugh, m. Mary M. Bell.

DESCENDANTS OF ELEANOR[4] CARROLL CARROLL.

V. Eleanor[4] Carroll of "Duddington," married her cousin (See Notes on the Darnall Family), Daniel Carroll of Upper Marlboro', or Rock Creek, statesman. She died April 13, 1763. Daniel Carroll, b. July 22, 1730, was the son of Daniel Carroll of Upper Marlboro' who d. 1750, and the grandson of Kean Carroll of Ireland. The children of Daniel and Eleanor,[4] Carroll Carroll were

Daniel,[6] m. Elizabeth Digges of "Warburton," Prince George's Co. Md.; Mary,[6] m. Colonel Sim.

VI. Daniel [6] and Elizabeth Digges Carroll had the following children; William,[6] m. Henrietta, dau. David Williamson of Baltimore; George Atwood,[6] m. Clarissa Mitchell; Ann, d. at "The Cottage," Montgomery Co. Maryland, aged 85.

VII. William [6] and Henrietta Williamson Carroll, had David Williamson [7] Carroll of Little Rock Arkansas; John,[7] d. s. p.. Mary,[7] m. Benjamin Ellicott of Baltimore.

VII. George Atwood [6] and Clarissa Mitchell Carroll, had George Richard [7] Carroll m. — Clarke.

VIII. David Williamson[7] Carroll, m. —, had daughter, Mrs. Daniel Boone of Baltimore.

VIII. Benjamin and Mary [7] Carroll Ellicott had daughter,[8] m. Charles Balche of Philadelphia, U. S. Coast Survey.

VIII. The children of George Richard[7] and — Clarke Carroll were Anna,[8] m. Outerbridge Horsey of "Needwood," Md.; Maria,[8] m.—Hooper of Sonona, California; Daniel,[8] in C. S. A., killed in the War between the States.

CARROLL ARMS.

Ar, two lions combatant *gu*, supporting a sword ppr. in pale hilted and pommelled *or*. Crest: On a stump of an oak sprouting new branches ppr. a hawk rising of the last belled *or*. Motto: *Ubicunque cum libertate.*

On the old bookplate of Charles Carroll the Immigrant, the hawk in the crest is resting with folded wings, and as a symbol of the flight of the family to America, he is represented later with his wings outspread, or rising to wing his way across the Atlantic. "A hawk rising" is the crest on the bookplate of Charles Carroll of Annapolis.

All the oldest silverplate at "Doughoregan Manor" has the older crest upon it, and the more recent silver has the rising hawk. In the *Maryland Gazette*, published at Annapolis, there is the following advertisement, under date of November 9th, 1749: "Lost or stolen from the dwelling house of Charles Carroll Esq: in the city of Annapolis, about ten days ago, one old silver mug, holding above half a pint; with a coat of arms engraved thereon, being a sword erect, between two Lyons rampant. Likewise three silver spoons, with a crest engraved on each, being a Falcon, with wings expanded, standing on a stump having a branch on each side. [A reward of £5 offered].

CHARLES CARROLL."

In Burke's "General Armory" the Carroll Arms of Ireland are given as follows:

Ar, two lions combatant *gu.* supporting a sword *or* hilt and pomel *or*. *Crest:* On the stump of an oak, sprouting new branches ppr. a hawk of the last belled *or*.

Carroll, as borne by Henry Carroll of Ballynure, Co. Wicklow, 1828, the same with motto, *In fide et in bello forte*.

Charles Carroll the founder of the Maryland family of "Carrolls of Carrollton," changed the crest and motto, on coming to America.

DARNALL FAMILY, OF LONDON AND HERTFORDSHIRE, ENGLAND, AND OF THE "WOODYARD," PRINCE GEORGE'S CO., MARYLAND.

Arms: *Argent*, on a bend two fleurs de luce *sable*, between three leopards faces *or*.

Henry[1] Darnall of Birels-Place, Essenden, Herts, Esq., Counsellor of Law, Grey's Inn, b. 1564, d. 1607. (Armorial

tombstone at Essenden, Herts, with list of his children). He had five sons, John,[2] Henry,[2] Sir Thomas,[2] Philip,[2] and Ralph.[2] The fourth son, Philip,[2] barrister of London, m. Mary—. His portrait and that of his wife are at "Poplar Hill," Maryland. John,[3] youngest son of Philip[2] and Mary Darnall, was Secretary to Lord Baltimore, and died in 1684. He married Susannah, daughter of Richard Bennett, Esq. and his wife Henrietta Maria Neale. She married secondly, Henry Lowe, nephew of Lady Baltimore. Henry,[3] eldest son of Philip[2] and Mary Darnall, "Collector of the Port of St. Mary's," came to the Province of Maryland in 1672, was commissioned Justice of the Peace in 1681. He was Colonel of Horse, Agent of the Lord Proprietor, and at one time Deputy Governor of Maryland. His estates were: "Portland Manor" Ann Arundel Co., and "The Woodyard," Prince George's Co., also "The Girls Portion" near Georgetown and "My Lord's Kindness." He died in 1711. Col. Henry[3] Darnall married twice, it is said, but of his first wife nothing is known. His second wife was Elinor, daughter of Richard Hatton and widow of Col. Thomas Brooke, of "Brookfield," Calvert Co. The will of Elinor Hatton (Brooke), Darnall was probated February 21st, 1724. The children of Henry[3] and Elinor Darnall were Philip,[4] Henry,[4] Mary,[4] Anne,[4] Elizabeth.[4] Philip[4] Darnall married Elinor Brooke and died in 1705, leaving a son, Henry[5] Darnall of "Portland Manor" who married Elizabeth Lowe. Mary[4] Darnall, b. 1678 married February 14th 1693, Charles Carroll, the Immigrant. Anne[4] Darnall married Clement Hill in 1696, and Elizabeth[4] Darnall married Edward Digges. Henry[4] Darnall of "The Woodyard," born 1682, married Anne, daughter of Col. William Digges and his wife Elizabeth Sewall of Mattapony. He sold "The Woodyard" in 1728, to pay

a debt. The children of Henry[4] Darnall and Anne Digges were Henry,[5] Elinor,[5] John,[5] and Mary.[5] Elinor[5] Darnall married 1727–28, Daniel Carroll of Upper Marlboro', Prince George's Co. Md., (son of Kean Carroll, native of Ireland). Mrs. Elinor Darnall Carroll d. May 23, 1796, in her 93d year. Daniel and Elinor Darnall Carroll were the parents of Daniel Carroll, statesman, and Archbishop John Carroll. John[5] Darnall lived in Frederick Co. Md., and his will was probated 1768. Henry[5] Darnall of "Poplar Hill" (then called "My Lord's Kindness,") which place was conveyed to him by his father in 1729, was born in 1703, was Attorney General of the Province 1754, was at Bruges, Flanders in 1771, and was living in 1788. He married Anne, daughter of ———Talbot, Esq., "niece and ward to George, 14th Earl of Shrewsbury," (see Land Office Records). The children of Henry[5] and Anne Talbot Darnall were Robert,[6] Henry,[6] John,[6] Katharine,[6] Anne[6] and a daughter who married Nicholas Sewall of St. Mary's Co. Robert[6] Darnall of "Poplar Hill," married twice but died childless, leaving "Poplar Hill" to his nephew Robert Sewall. Henry[6] Darnall married Rachel, daughter of Henry Brooke, and these were the parents of Mary Darnall, wife of Charles Carroll of Carrollton. John[6] Darnall lived in Culpeper Co., Virginia, and died in 1819. He has descendants living in Kentucky and Arkansas. Katherine[6] Darnall married a Digges. (Condensed from chart pedigree prepared by Mrs. Vernon Dorsey, Genealogist, Washington, D. C.).

There was a relationship between the Calverts and Darnalls and in a Letter-Book extant of Charles Calvert's (this was the 3d Lord Baltimore) he writes from "Maryland, 10th July, 1697," to "Mrs. Mary Darnall, at the Lady Summersetts house near Herne Stile,

In London," Calling her his "Cosen Darnall." He thanks her for several letters, and for her "trouble and pains" in letting him know how his children were. Mrs. Darnall seems to have charge of Lord Baltimore's children, as he and his wife thank her, in this letter for her great kindness to their children, begging its continuance, and that she will write by all opportunities. He is sorry to hear of her husband's indisposition, and will send him some money; "as a small token of my kindness to yourself." Lady Summersett was Charles Calvert's aunt, and Mrs. Mary Darnall who was staying with her, was the wife of Philip Darnall,—evidently the Philip[3] Darnall of the above pedigree. "The Calvert Papers," Number One, p. 310. (Publications of the Maryland Historical Society).

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67 ; dissents to solicitors and attornies bill, 67–72 ; writes to members of Baltimore Iron Works Company, 74, 75 ; attends fall session, 75 ; on committee to confer with consul-general of France, 76 ; on committee to prepare address to Washington, 76 ; elected President of the Senate, 77 ; member of Susquehanna Canal Company, 79 ; again in the Senate, 79 ; on committee to prepare address to Lafayette, 80 ; one of committee to confer with Virginia commissioners on navigation of the Potomac, 80 ; on committee to instruct Maryland commissioners, 82 ; opposed to Chase's management of Bank of England stock negotiation, 83, 84 ; dissents to resolution advancing him money, 85–88 ; votes for non-jurors bill, 88 ; advocates permanent salaries for judges, 90, 91 ; in Senate, 1786, and opposes emission of paper money, 93–96 ; allusion to this controversy, 97, 105 ; helps to defeat the measure, 99, 100 ; elected to seat in Federal Convention, but declines it, 99 ; solicits subscriptions to Georgetown College, 101 ; sends his son to Liège, 101, 102 ; letters to Daniel Carroll of Duddington, 103–106 ; marriage of his daughter Mary, 106 ; sends his daughter Catharine abroad, 106, 107 ; in the Assembly, 108 ; becomes identified with the Federalists, 109, 117 ; on committee to settle Van Staphorst claim, 110 ; attends May session, 114 ; drafts insolvent debtors bill, 114 ; in November Assembly, 114, 115 ; elected to U. S. Senate, 115 ; arrives in Philadelphia, 117 ; opposes titles, 118, 123, 125 ; on committee to prepare an answer to President's address, 120–122 ; at the theatre with Washington, 124 ; speaks on impost bill, 126–130 ; conversation with John Adams, 128 ; votes for tariff report, 131 ; speaks in favor of *viva voce* vote on presidential nominations, 132 ; approves of giving President power of removal, 133 ; on impost bill and compensation bill committees, 137 ; opposes high salaries, 139 ; speaks on residence bill, 141, 142 ; in Maryland Assembly, 142 ; drafts message on bill to abolish slavery, 143, 144 ; unites in address of Roman Catholics to President Washington, 145 ; again in Congress, 145 ; on important committees, 145, 147 ; favors assumption bill, 147 ; interested in the French Revolution, 148 ; moves that the Senate wear mourning for Franklin, 149 ; on committee to consider relations with Rhode Island, 150 ; reports additions to the bill, 151 ; votes for Rhode Island resolutions, 153 ; on committees for intercourse with foreign nations and post-office bills, 155–159 ; discusses residence bill and advocates the Potomac, 157–160 ; promotes assumption bill, 160–163 ; letter to Governor of Maryland, 165 ; votes on Indian treaty, 166 ; cannot collect interest on money loaned, 167 ; in Maryland Assembly, 167 ; re-elected to U. S. Senate, 167 ; brings in bill on Bank of England stock, 168 ; in Congress, 168 ; moves amend-

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